

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, May 29, 1959

Senate called to order by the President.

Prayer by Rev. Horace E. Colpitts of Augusta.

On motion by Mr. Martin of Kennebec,

Journal of yesterday read and approved.

On motion by Mr. Woodcock of Penobscot, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, June 1, at four o'clock in the afternoon. (S. P. 503)

Which was read and passed.

Sent down for concurrence.

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of 25 calls of reasonable duration from and to the State House at Augusta, and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (H. P. 934)

On motion by Mr. Woodcock of Penobscot, tabled pending passage.

**House Paper Received by
Unanimous Consent**

Bill, "An Act to Extend the Charter of the Eliot Water District." (H. P. 975)

Which was received by unanimous consent, read twice under suspensions of the rules and passed to be engrossed without reference to any Committee.

On motion by Mr. Woodcock of Penobscot,

Recessed for one half hour.

After Recess

The Senate was called to order by the President.

**House Committee Reports
Ought Not to Pass**

The Committee on Taxation on Bill, "An Act Increasing Tax on Cigarettes." (H. P. 78) (L. D. 116) reported that the same Ought not to pass.

In House, report and bill indefinitely postponed.

In the Senate, on motion by Mr. Willey of Hancock, the bill was tabled pending acceptance of the report.

**Majority — OTP — N.D.
Minority — ONTP**

The Majority of the Committee on Taxation on Bill, "An Act Relating to Tax on Transient Rentals." (H. P. 126) (L. D. 180) reported same in New Draft (H. P. 962) (L. D. 1364) under Same Title, and that it Ought to pass.

(Signed)

Senators:

WILLEY of Hancock
FOURNIER of York

Representatives:

PARSONS of Hartford
MAXWELL of Jay
CYR of Augusta
WALSH of Verona
COUSINS of Bangor
BAXTER of Pittsfield

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Senator:

WYMAN of Washington

Representative:

ROLLINS of Belfast

In House, reports and bill indefinitely postponed.

In the Senate:

Mr. WILLEY of Hancock: Mr. President, I move that the Senate accept the Majority ought to pass report of the committee in non-concurrence.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I rise to oppose the motion of the Senator from Hancock, Senator Willey. I do not believe it is necessary for me to debate this

matter as I fully explained our stand on it the other day when we debated the other tax question.

The PRESIDENT: The pending question is on the motion of the Senator from Hancock, Senator Willey, to accept the Majority ought to pass report of the committee.

A division of the Senate was had.

Eighteen having voted in the affirmative and seven opposed, the motion prevailed, the majority ought to pass report was accepted and the bill read once; under suspension of the rules the bill was read a second time and passed to be engrossed in non-concurrence.

Report A — OTP as Amended

Report B — ONTP

Five members of the Committee on Taxation on Bill, "An Act Increasing State Property Taxes." (H. P. 448) (L. D. 654) reported (Report A) that the same Ought to pass with Committee Amendment A (Filing No. 344)
(Signed)

Senators:

WILLEY of Hancock
FOURNIER of York

Representatives:

PARSONS of Hartford
CYR of Augusta
BAXTER of Pittsfield

Five members of the same committee on the same subject matter reported (Report B) that the Bill Ought not to pass.

(Signed)

Senator:

WYMAN of Washington

Representatives:

MAXWELL of Jay
WALSH of Verona
COUSINS of Bangor
ROLLINS of Belfast

In House, Report B Accepted.

In the Senate, on motion by Mr. Willey of Hancock, bill and reports tabled pending acceptance of either report.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Taxation on Bill, "An Act Increasing Sales Tax." (Emergency)

(H. P. 867) (L. D. 1235) reported that the same Ought not to pass.
(Signed)

Senators:

WILLEY of Hancock
WYMAN of Washington
FOURNIER of York

Representatives:

CYR of Augusta
COUSINS of Bangor
WALSH of Verona
MAXWELL of Jay
PARSONS of Hartford
ROLLINS of Belfast

The Minority of the same committee on the same subject matter reported that the bill Ought to pass.
(Signed)

Representative:

BAXTER of Pittsfield

In House Majority Report Accepted.

In the Senate, on motion by Mr. Willey of Hancock, the majority ought not to pass report was accepted in concurrence.

Mr. WOODCOCK: Mr. President, I move that the bill be indefinitely postponed in non-concurrence.

Subsequently Mr. Woodcock was granted permission to withdraw his motion to indefinitely postpone.

Orders

Mr. Woodcock of Penobscot presented the following Order and moved its passage:

ORDERED the House concurring that free additional telephone service be provided for each member of the Senate and House to the number of fifteen calls of reasonable duration from Augusta to points within the State of Maine and that each member of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and the Clerk of the House respectively, charges for this service to be paid to the New England Telephone and Telegraph Company.

Which order received a passage.

Mr. Woodcock of Penobscot presented the following Order and moved its passage:

ORDERED that Rule 5 of the Senate Rules shall be amended by adding thereto the following sentence: The President shall also have a right to appoint a Secretary

of the Senate and an Assistant Secretary of the Senate to fill any vacancy occurring in said offices while the Senate is not in session, to serve until the Senate in session shall elect a Secretary and Assistant Secretary.

Which order received a passage.

Second Reader

The Committee on Bills in the Second Reading reported the following bill:

Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 969) (L. D. 1378)

Which was read a second time.

Mr. Bates of Penobscot presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, this is an important piece of legislation and strictly as a matter of time, so that it might not go on the House Calendar Monday which might be a light day, I request that this lie on the table and be especially assigned for Monday next.

The motion prevailed and the bill was tabled pending passage to be engrossed.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 403) (L. D. 1171)

On motion by Mr. Woodcock of Penobscot, tabled pending passage to be enacted.

Additional House Paper Out of Order

Bill, "An Act to Continue the Citizens Committee on Survey of State Government." (S. P. 321) (L. D. 897)

In Senate on May 27, passed to be engrossed as amended by Senate Amendment A (Filing No. 422)

In House, Adhered to former action whereby the bill failed in passage to be enacted.

In the Senate, on motion by Mr. Woodcock of Penobscot, the Senate voted to adhere.

The PRESIDENT: At this time it is the Chair's pleasure to welcome to the Senate Chamber, members of the 7th and 8th grades from the Purchase Street School in Rockland, accompanied by their teachers, Mrs. Young and Mrs. Johnson, and also with five of the mothers of different students. It certainly is a pleasure to have you folks here this morning. I know the Senate joins me in extending to you a cordial and hearty welcome and we trust that you will profit by your visit here in your observations of the activities that take place in the Senate. (Applause.)

Orders of the Day

On motion by Mr. Hunt of Kennebec, the Senate voted to take from the table the 2nd tabled item being bill, "An Act Relating to Absent Voting." (S. P. 428) (L. D. 1243) tabled by that Senator on March 17 pending passage to be engrossed.

Mr. HUNT of Penobscot: Mr. President, I wonder if the Secretary would read the endorsements.

The Secretary read the endorsements.

Mr. HUNT of Kennebec: Mr. President and members of the Senate, I rise in opposition to this bill. Of course, as you know it would eliminate the requirement of a medical certificate in physical incapacity voting ballot.

The act which authorized physical incapacity voting did not take place until 1937. Up until the year 1921 neither absentee voting nor physical incapacity voting were allowed. In 1921 a statute was passed which allowed for absentee voting and later in 1937 by Chapter 183 of the Public Laws, physical incapacity voting was allowed. This is of recent date and it means of course that from 1820 to 1937, people who were sick or physically incapacitated could not vote. In 1956 as a result of a contested election for the office of County Attorney of Kennebec County, the justices of the Supreme Court were asked to answer certain questions with regard to absentee and physical incapacity voting and some of the opinions given by the justices I think bear very strongly upon this bill.

The reports of the minority of the justices, which is contained in Volume 152 of the Maine Reports at page 212 covers many points that are raised by this bill. On Page 230 the justices made this statement: "We should bear in mind that the right of voting by absent voting ballot or physical incapacity ballot is a special privilege. As was said by the Supreme Judicial Court of the State of Maine in the case of Miller v. Hutchinson, 150 Me. at page 279:

"The absentee voting law gives the voter a right that did not exist before its enactment and, if perchance, this law is repealed no voter could claim the right to vote in absentia as a matter of right.' In the Miller-Hutchinson case, the Court rejected all absent voting ballots cast in the particular election then in issue, because of an inadequate jurat on the envelopes containing the absent voting ballots and the Court said: 'The Legislature well knew this method of voting is open to abuse and fraud.'

"Because the Legislature in 1921 could well foresee that this method of voting was open to abuse and fraud, it enacted into law the very wise provision, previously referred to, to the effect that all envelopes shall be retained with the ballots."

Going a little bit further the legislature in 1937 with regard to the physical incapacity law also could see that that was subject to abuse and fraud and in their wisdom gave us the protection of a doctor's certificate in the case of anyone who wanted to state that they were sick and wanted to vote by physical incapacity ballot.

I think it will probably be stated here today that we do allow people to vote an absentee ballot just on their statement that they are going to be out of town and that therefore in doing away with the physician's certificate, that we are putting them on the same basis, but it seems to me that they are quite different and that the legislature in 1937 foresaw that. If you say that you are going to be in Boston or in New York on election day and for that reason you cannot be here and vote, that is a definite fact which afterward can be determined. If the question should arise, the

voter can be asked either to state what hotel or what rooming house or what motel he stayed at in New York or Boston and that fact can be checked. However the matter of sickness is very indefinite. A person can be mildly sick or they can be quite sick and sickness covers a tremendous field all the way from headaches or toothaches or other mild symptoms to something very serious. And so the legislature of 1937 felt that it was necessary if they were going to allow this type of voting, to have a doctor's certificate stating what the sickness was, and this is a very wise precaution because I have a feeling that very few if any of our doctors in the State of Maine would sign a certificate saying a person was so ill that they could not go to the polls and vote unless they really felt that were true. So in allowing, after 117 years of statehood, this new type of voting, the legislature then put in this definite safeguard that we must have the certificate of a reputable doctor stating that the person is sick. This acts in two ways. First of all, I don't think any person who has simply a mild ailment and who could really go to the polls and vote if they wanted to, would go to a doctor and ask him to sign a certificate. And so in that way we cut down on the number who apply. In the second place the doctors are very busy here and in many cases the potential voter would rather go to the polls and vote than to bother the doctor or go to his office for a certificate.

Now what would the difference be? How would it affect our elections if we passed it? In the particular election which I mentioned and in which this opinion of the justices is given, on Page 237 the Court made this statement:

"It is well known that in many close elections, the result may be determined by the absent voting ballots, the procurement of which is limited only by the aggressiveness and ingenuity of political workers. In this case, approximately 500 absent voting ballots were voted in person. The rights of approximately two percent, who vote by absent voting ballot are not paramount to the rights of the approximately ninety-eight per cent who appeared

at the polls in person. These ninety-eight per cent have every reason to expect that they will be protected from the abuses and frauds inherent in the absent voting procedure."

And that is the important fact about this bill. We do have many close elections now, and even with the number of physical incapacity ballots cut down as they are by the necessity of having a doctor's certificate, it is my feeling that the number of people who would be voting by physical incapacity ballot or voting at home on account of sickness would be probably doubled or trebled, and it would have the effect in some cases of actually changing the vote of those who went to the polls and voted there.

It seems to me that any weakening of the present safeguards for voting away from the polling place is dangerous. At the polling places we have members of both parties from the time the polls open in the morning until they close at night, and, by and large, I think that every one of us is satisfied that we do have the protection of people from both parties at the polling places, and that by and large the voting is conducted properly there. However, I envision, if this bill should become a law that overzealous party workers, perhaps from both sides, would leave the town clerk's office or the city clerk's office with bunches of these ballots and would go around to those whom they knew to be either older or who perhaps would prefer to vote at home rather than go to the polls, and, as the Court said, the amount of these ballots that could be procured would only be limited by the aggressiveness of the party workers who were going out on this kind of thing.

It seems to me that it would be dangerous to increase the number of people voting away from the polling places for two reasons: Whereas at the polling places you have members of both parties watching, in the procurement of either absent voting or the physical incapacity voting only one person representing one party goes to the home of the sick or incapacitated person and no one else is there. If by chance he

is not a justice of the peace or an officer himself, of course he is supposed to take a justice of the peace with him, but, as the Court pointed out in its opinion on Page 263, — and I am again quoting: "Partisan political workers may secure absent voting ballots or physical disability ballots and have the ballots voted without the presence of an official authorized to take an oath, and some notary public or justice of the peace may sign the jurat without ever having seen the voter." Those are the words of the Court in this matter. And we see, even with the law as it is now and with the safeguards which we have, there is any amount of chance for violating the provisions, and certainly I do not feel that we should open the door any wider.

If the person is really sick, I do not feel that it is too much to require that they get their family doctor or some other doctor to sign the certificate, and I feel that any change which would simply allow them on their own affidavit to state that they were sick would certainly be dangerous, because sickness, unlike being in a definite place on election day, is a matter on which opinions could differ, and sickness can be either mild or moderate or very severe.

And so, Mr. President, in the interests of keeping our election laws in a state which would give elections as much protection from abuse and fraud and deceit as possible, I hope that the motion for the passage of this bill will be defeated, and when the vote is taken I ask for a division.

Mr. WOODCOCK of Penobscot: Mr. President, I move that this bill be passed to be engrossed, and in support of that motion, I would like to speak. First, I would like to request the Secretary of the Senate to read the report of the committee.

The committee report was read by the Secretary.

Mr. WOODCOCK: Mr. President, I certainly appreciate the great amount of work that the Senator from Kennebec, Senator Hunt, has done in his presentation to the Senate of his views on this piece of legislation. I guess the place where I go off from Senator Hunt is in

my belief in the innate honor and honesty of the great number of people of the State of Maine. I say that because it is my feeling that if this bill is enacted into law ninety-nine times out of a hundred, and probably more than that in percentages, a person will not take advantage of this. In other words, if he is feeling tough and, after all, he is the best judge of that, with all due deference to physicians—if I have got a headache I am the only one who really knows, because it is a subjective matter. If I feel I am not well enough to go to the polls and I am willing to state under oath that I do feel poorly to that extent, I think it is, in most everybody's case, apt to be true. It is a simple enough dodge now, if anyone wishes to avoid the trip to the polls on election day, to merely state under oath that he is going to be out of town. I do not see any difference in principle or in kind to adding this bill to the law.

I am for anything that will encourage voting. The awkward procedure that we have to follow now under the law is well-known to each and every one of us. It is a difficult thing at best to go around and try to search out the shut-ins and people who are not well enough to go to the polls, and run through that rigmarole of getting a physician's authorization and oath to the effect that the potential voter is unable to go to the polls. I do not see any harm in this, in fact I see a great benefit to be gained by offering to a person who is ill and feels that he cannot go to the polls because of physical incapacity the right to vote by absentee ballot.

Again, I just wish to say that I will certainly take my chances and stand behind the honesty of the great number of people who, as I believe, will not take advantage of this, because, as I say, there is a way to do that now merely by testifying that they are going to be out of town, and nothing could be simpler. If in any way this would give a break to people sitting at home, who are unable, through their oath, to attend the polls personally, I say this is the way to do it, and I am certainly

hopeful that the legislature will see it even as I do in this case.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I rise to take a stand against the situation as explained by the good Senator from Kennebec, Senator Hunt, and in support of my colleague, the Senator from Penobscot, Senator Woodcock, on the premise of experience on my own part in respect to existing circumstances.

I first want to say that I know of no physician in the State of Maine who would deliberately sidestep this civic responsibility as it now exists. On the other hand, it does place a considerable burden on physicians and does preclude the possibility of many persons being allowed to vote who otherwise, as I see it, under this document would have the privilege of voting.

In the first place, I must refer to those communities, and in fact groups of communities in the State of Maine where there is no physician available. In the second place, I must point out to you the fact that there are now two procedures involving physical incapacity balloting whereby a physician's signature on the certificate is necessary. In the number one instance, the physician certifies that that particular patient is under his professional care. Let us consider the very likely possibility of the physician himself being ill, being out of town or being tied up at the hospital with a maternity case or a long surgical procedure. The second type of certificate that the physician must attest to is that he has examined a patient who is not under his care on that day and determined that the patient is physically incapacitated. I hope that you will try to picture with me the decision that the physician must make if he is busy at the hospital or his office and is besieged by political workers, in all sincerity, to sign a certificate for a person who is perhaps under the care of no particular physician. By that I mean a chronically-disabled arthritic case, for instance, where it is quite difficult and nearly impossible for the patient to make his or her way to the polls. The burden of responsibility is then placed on

that physician as to whether to attest that he has knowledge, without seeing that patient, that that patient should not go to the polls; or whether he drops everything, jumps in his car and goes to see this stranger and attests to the fact that the stranger's condition is such that he can sign the second type of certificate.

I thoroughly believe that by the passage of this document you will thereby be enabling more people to qualify themselves for voting through their own affidavit rather than placing the burden and responsibility on the physician.

MR. HILLMAN of Penobscot: Mr. President and members of the Senate: Because the last three speakers happen to be from Penobscot County don't think that we are ganging up on you.

I have always been a little confused about this statute that is now on our books. I recall four years ago that a lady who operates a nursing home in the City of Bangor called me and said that she had a number of people in her home who wanted to vote. So I asked somebody what I had to do, and they said that I should get a notary public to go with me, which I did do. I talked with those old folks and they all said they had been voting for years and certainly wanted to vote in this election, so I took their sick ballots and had them notarized. It seemed that the doctor that was treating these patients was in Orono. So I went with those papers to Orono and waited for more than an hour for Dr. Adams to see me. He finally signed the papers with a lot of disgust, because he said he thought this was unnecessary — I quote him, and I do not think he will object to my saying this — because on those sick ballots was the notary's signature. Therefore I think, if there is anything we can do to help those who are invalids or unable to go to the polls, and a lot of them do not have the time to go through this procedure. I believe people are honest, and I think if they are notarized there is not any reason why we are going to have false ballots of any kind.

Mr. CHARLES of Cumberland: Mr. President and members of

the Senate: We do not want to limit this to Kennebec County and Penobscot County, so I will speak a little bit about our County of Cumberland.

This problem is very close to me personally, but I am not standing here for any personal favors. However, I can understand the situation of permanent disability, people who have been permanently disabled so that they cannot walk any longer, they are confined to wheelchairs and they are not able to go to the polls under their own power. Such a thing has happened to my family, and my mother-in-law is one of those cases. If necessary, she would hire an ambulance to go to the polls to vote. However, she does have a physician and she does have to call him every time there is a city or state or primary election, to obtain permission to vote. Sometimes she does have difficulty in obtaining a physician and so she has to make a special appointment for the doctor to come to her house to examine her, and this has to be done every time she votes.

I do not see any reason why a person who is permanently disabled cannot be exempted. Why is it necessary to have a physician examine them time and time again when they know that their condition is permanent? It is a waste of time and money and wasted clerical expense on the part of city and town government to continue to send these ballots out to these people and requiring this examination.

I do not want to make any appeal as to whether you shall vote for or against this bill; I just wanted to give you my personal experience in the matter to enlighten you further, regardless of how you vote.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: Ordinarily, except on partisan issues, I see eye to eye with the good Senator from Penobscot, Senator Woodcock. However, on this matter we are at the parting of the ways. I agree with what has been said, that perhaps the present system of the doctor's certificate does not do the job that it should. I realize that perhaps it lacks some ways for doing the job efficiently. However, it is there for a purpose. I say to you that if this

doctor's certificate is taken from the ballot and people are allowed on their own statement to say that they are not feeling well, you are opening up a field where you cannot foretell the abuses that would happen. But, if this bill becomes law here at this session of the legislature I will make two predictions: 1. That your courts will be just loaded with challenged elections from now on. 2. I will predict that when the first bill is introduced in the next legislature it will be done to repeal this act.

It is true that the great majority of our voters here are good, fine honest people, but there is a small percentage who are aggressive, if you will, as the justices of the court said, and there are those who would stoop quite low to obtain votes. I am telling you that you are just opening the thing up for abuses and for fraud. I think we are going to be awfully sorry if we allow this legislation on our books to take away that doctor's certificate. I appreciate, as I said before, that perhaps it is not Utopia, not the finest thing, and probably something better could be found to relieve the pressure on the doctors and help the unfortunate sick people. However, that does not justify taking down all the bars and letting people come in.

If this was on a partisan basis, then I am sure that perhaps my party, aggressive as we are, organized as we are, would perhaps be the recipient of more of those stay-at-home ballots. However, it is not a partisan matter.

Now if I follow the reasoning of the good Senator from Penobscot, why don't we just let the bars down completely and let them say, "I don't feel like going to the polls today, I am too lazy to walk over to the polls, so let me sign a statement." Why not go all of the way? If a man has a headache or a toothache, or if he says he doesn't feel like walking over to the polls today, somebody goes to his house, one of these political workers, and says to him, "Aren't you going to vote today?" He says, "No, I didn't plan to go," and the worker will say, "You are not feeling too good. Why don't you just sign the certi-

ificate and I will take it over and vote it in for you."

Those are abuses that could happen, and there will be challenges in our elections from now on if this law goes on the books; close elections will be challenged, and I am afraid you are really going to open it up for abuse.

I move that the bill be indefinitely postponed, and when the vote is taken I ask for a division.

Mr. STILPHEN of Knox: Mr. President and members of the Senate: I rise in opposition to the motion just made by the good Senator from Androscoggin, Senator Lesnard. I am quite surprised that the good senator refers to this as a statement that the voters will be making. Now on every absentee ballot envelope there is a place where one must take an oath that they are either going to be absent on election day, that they are unable to go to the polls because of their religious belief, or the fact that they are physically incapacitated.

Now I believe that an oath is an oath, and I do not believe that it will be the habit of the citizens of Maine to violate an oath once they take it. I feel that if they take an oath that they are sick that they do not need a doctor's statement to substantiate that oath, any more than they need a letter from the priest or the pastor in their parish to substantiate their oath that they cannot go to the polls because of religious belief, and neither do they have to have anything to substantiate their oath when they are going to be out of town. I have faith in the people that they are going to honor their oath on election absentee ballot envelopes as much as they would if they were testifying in a serious case in court.

Mr. HUNT of Kennebec: Mr. President, I would like to ask the good Senator from Knox, Senator Stilphen, how he defines sickness? I think one of the chief problems we have here is the definition of the word "sickness". Where does it start? Where does it end? How sick do you have to be to qualify? Where is the line over which you can say you are sick, and where is the line when it is too small a matter

to be called sickness? That is the difficulty. There is no definition, there is no line. Any ailment, however small, or any uncomfortable feeling, however small, can be designated as sickness, inasmuch as there is no definition.

Going one step further: Why bother to have members of both parties at the polling places? If, as the good Senator from Penobscot and others stated, all you need is a jurat, the oath of the person who takes around the ballot, why couldn't you do the same at the polling places and just have members of one party or the other at the polling places, make them take an oath that they have done everything right? You could save the cities and towns one-half of all the expense we go through now. If this oath is so valuable we don't need to have people from both sides at each and every polling place. Why insist upon this matter of having representatives of both parties at the polling places and yet let party workers from one side or the other go around with these envelopes and ballots.

During the various contested elections two years ago, it came out in the papers and even in some of the opinion — there was testimony that workers had been seen coming out of the polls with the envelopes unsealed. Now if this is a fact that party workers were seen coming out of the polls, presumably where ballots were being cast, physical incapacity ballots with the envelopes unsealed and opened, then that points up the very thing that I think we should guard against, because if the steps are not fully and properly taken with regard to this physical incapacity voting, then it becomes possible to change or alter the vote of the person who is voting.

Another point: I am not so much worried about the person who himself calls and asks for a sick ballot, but, as the good Senator from Androscoggin pointed out, the ones I worry about is where eager political workers, knowing that somebody has not voted, run to the house with the ballot and say, "You haven't voted. What is the matter?" The person may say, "Well, I don't feel too well," and

the worker will say, "Here, just sign this." That is what is going to happen, I am sure of it, and in many close elections it may be that those whom the people who went to the polls wanted to elect may not be the ones that finally win, due to the large number of absentee and sick ballots that may be voted.

I think, gentlemen, this is one of the most dangerous bills that we have had come up. I do not think it is a matter to be taken lightly. It certainly has nothing to do with partisanship; it is a bill that is changing our method of voting.

As I pointed out earlier, from 1820 to 1937 people could not vote if they were not well enough to go to the polls. The legislature opened the door a little ways but it put in safeguards so that the method could not be abused, but I certainly feel that they thought at the time they passed it that they were going about as far as they should in requiring that those who wished to vote this way must have a doctor's certificate, and I think it will be a gross error and one which we will be sorry for if we go any further.

Mr. FARLEY of Yofk: Mr. President and members of the Senate: I don't know of any bill since I have been here that I don't like like this one here. We all know that in York County we have had a lot of trouble on absentee voting and we derived an awful lot of publicity in our county. I do not think it belongs to those who are entrusted with the ballots, the city clerks, town clerks, or what have you.

The part that I do not like about this is that you are going to give too much authority to the party machinery, whether it is the city or the town, more than what there is in the law now. I have never agreed totally with the law, and I have seen a lot of abuses in it myself. At home, one of the first questions you are asked by those interested in politics is: How many absentees have they got in? How many have we got to have to overcome it? I am afraid that if we give them something like this it will be doubling and probably

tripling the opportunity for some of these things.

I would like to cite to you a little case about ballots that just dawned on me a few moments ago, to give you an idea how easy it is to do it.

I was twenty-two years of age and I didn't know any more politics at that time than I do now, but somewhere or somehow I was given a ballot and I was told to take a certain train at a certain hour in the morning, and I was told where to go in another community not very far from where I live. This young lady was a resident of my home town and it happened to be a city election. I went along and I performed the duty. I thought I was a hero, but on my way back on the train, sitting behind me, were two deputy sheriffs and the high sheriff. I thought sure I was going to get pinched when I got off the train. I was nervous and I was scared, because I was only a youngster. I can almost see those three deputy sheriffs now.

I think this is opening the door a little too much, I personally do not like it, and I think it will probably be abused in my home city as well as in other places. I do not like this bill.

Mr. WILLEY of Hancock: Mr. President and members of the Senate: I think this is a dangerous bill and I want to go on record as being in favor of indefinite postponement.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate. I have had very little experience in political maneuvering through the years, but I prophesy that if this bill becomes law you will have more absentee ballots than you will have voters at the polls on election day. I can foresee that some of our political workers

will make it their business to go from house to house and tell people that they are sick and get their ballots and take them to the polls. This is, to me, the most dangerous bill that we have had before this session of the legislature. I certainly hope that the motion of the Senator from Androscoggin, Senator Lessard, will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that L. D. 1243 be indefinitely postponed.

A division of the Senate was had.

The PRESIDENT: Twelve having voted in the affirmative and thirteen opposed, the motion does not prevail.

Mr. HUNT of Kennebec: Mr. President, I ask that the result of the division be announced again.

The PRESIDENT: The vote was twelve in the affirmative and thirteen opposed, the Chair having voted in the negative.

Mr. HUNT of Kennebec: Mr. President, I question the vote and would ask that the question be put again.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that L. D. 1243 be indefinitely postponed. The previous division having been questioned, the Chair will call for another vote.

A division of the Senate was had.

Twelve having voted in the affirmative and eleven opposed, the motion prevailed and L. D. 1243 was indefinitely postponed.

On motion by Mr. Woodcock of Penobscot

Adjourned until Monday next at four o'clock in the afternoon.