

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, February 15, 1935.

Senate called to order by the President.

Prayer by the Rev. H. E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

Orders

(Out of order)

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

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 19th, 1935, at 11 o'clock in the forenoon. (S. P. 451)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

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

Ordered, that the Secretary of State be directed to return forthwith to the Secretary of the Senate, the Senate Order read and passed in the Senate January 16, 1935, relative to providing suitable distinctive automobile plates for the members of the Senate, Secretary of the Senate and Assistant Secretary of the Senate.

Subsequently the order was returned and on motion by Mr. Schnurle of Cumberland was indefinitely postponed.

From the House: "Resolve Relative to Fishing in Sebago Lake." (S. P. 450)

(In Senate on February 14th, under suspension of the rules, bill passed to be engrossed as amended by Senate Amendment "A" without reference to a committee.)

In the House, received by unanimous consent and under suspension of the rules and without reference to a committee; read once, Senate Amendment "A" read and adopted in concurrence; read a second time under suspension of the rules; House Amendment "A" adopted, and resolve passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence.

In the Senate, House Amendment "A" was read. Thereupon, the Senate voted to reconsider its

former action whereby the resolve as amended by Senate Amendment "A" was passed to be engrossed. House Amendment "A" was adopted in concurrence and the resolve as amended by Senate Amendment "A" and House Amendment "A" was passed to be engrossed in concurrence.

From the House:

Joint Order:

ORDERED, the Senate concurring, that the Clerk of the House prepare a register of all bills and resolves introduced into both branches of the legislature to and including February 15th, showing titles, papers numbers, document numbers, names of members introducing the same, and the committees to which referred, and that there be printed 500 copies of the same.

The Clerk of the House is hereby authorized, with the approval of the Committee on Appropriations and Financial Affairs, to employ the necessary clerical assistance to prepare such register. (H. P. 1413)

Which was read and passed in concurrence.

(On motion by Mr. Blaisdell of Hancock, tabled pending passage in concurrence.)

From the House:

Communication from Secretary of State transmitting report of recess committee relating to laws concerning the support of paupers. (S. P. 399) (L. D. 622)

(In Senate on February 12th, read and accepted and ordered placed on file.)

In the House referred to the Committee on Legal Affairs in non-concurrence.

In the Senate, that body voted to recede and concur with the House in the reference of the communication to the Committee on Legal Affairs.

From the House:

Bill An act to provide uniform return days of municipal courts and their jurisdiction. (S. P. 420) (L. D. 514)

(In the Senate on February 12th referred to the Committee on Legal Affairs.)

In the House referred to the Committee on Judiciary in non-concurrence.

In the Senate, on motion by Mr.

Blaisdell of Hancock, that body voted to recede and concur with the House in the reference of the bill to the Committee on Judiciary.

From the House:

Bill An act relating to costs in suits for collection of taxes. (S. P. 421) (L. D. 511)

(In the Senate on February 12th referred to the Committee on Legal Affairs.)

In the House, referred to the Committee on Judiciary, in non-concurrence.

In the Senate, on motion by Mr. Blaisdell of Hancock, that body voted to recede and concur with the House in the reference of the bill to the Committee on Judiciary.

Papers from the House, disposed of in concurrence.

From the House:

Bill An act relating to State Planning and Development. (H. P. 1931) (L. D. 539)

In the House, referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Schnurle of Cumberland, tabled pending reference in concurrence.

From the House:

Bill An act providing for Municipal Planning and the creation, organization, and powers of Municipal Planning Board. (H. P. 1332) (L. D. 540)

In the House, referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Schnurle of Cumberland, tabled pending reference in concurrence.

Additional papers from the House, disposed of in concurrence.

House Bills in First Reading

An act relating to the powers and duties of superintendents. (H. P. 325) (L. D. 96)

An act relating to the exclusion of pupils from school on account of filth and disease. (H. P. 327) (L. D. 98)

An act relating to evening schools. (H. P. 360) (L. D. 111)

An act to amend the charter of the Eliot and Kittery Mutual Fire Insurance Company. (H. P. 301) (L. D. 73)

An act relating to the Fryeburg Village Fire Corporation. (H. P. 340) (L. D. 101)

An act to change the name of Maine Home for Friendless Boys to Maine Home for Boys. (H. P. 450) (L. D. 126)

Orders

On motion by Mr. Hathaway of Piscataquis, it was

ORDERED, that five hundred additional copies of Bill An act relative to regulation of the use of the highways by motor vehicles transporting property for hire. (S. P. 396) (L. D. 431) be printed.

On motion by Mr. Winn of Androscoggin, it was

ORDERED, that five hundred additional copies of Bill An act relating to old age pensions. (S. P. 427) (L. D. 517) be printed.

Reports of Committees

Mr. Fernald from the Committee on Judiciary on Resolve in favor of the estate of Louis Lipsitz (S. P. 91) reported that the same ought not to pass.

Mr. Burkett from the Committee on Taxation on bill An act to amend Section 14, of Chapter 13, of the Revised Statutes, relating to personal estate, taxable where owner resides (S. P. 231) (L. D. 192) reported that the same ought not to pass.

Mr. Blanchard from the same Committee on bill An act relating to the abatement of taxes (S. P. 77) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Burns from the Committee on Judiciary on bill An act to validate the organization of Caribou Water, Light and Power Company and to enlarge its purposes (S. P. 240) reported that the same ought to pass in a new draft (S. P. 453)

Mr. Burns from the Committee on Judiciary on bill An act to validate the organization of the Colby Light & Power Company, and the issuance of its stock (S. P. 239) reported that the same ought to pass.

Which reports were read and accepted and the bills laid upon the table for printing under the joint rules.

Passed to be Engrossed

Resolve regulating fishing in Mousam Lake Tributaries. (H. P. 197) (L. D. 441)

An Act to Regulate the Taking of

Clams in the Town of Winter Harbor. (H. P. 217) (L. D. 442)

Resolve Regulating Smelt Fishing in Swan Lake. (H. P. 299) (L. D. 443)

An Act to Confirm the Organization of University of Maine Foundation and to Define its Powers. (S. P. 155) (L. D. 486)

Sent down for concurrence.

Passed to be Enacted

An Act to Extend the Charter of the Quebec Extension Railway Company. (S. P. 88) (L. D. 183)

An Act to Correct Technical Errors in Various Laws. (S. P. 316) (L. D. 268)

An Act Relating to the Transfer of Trust Funds. (H. P. 201) (L. D. 62)

Orders of the Day

On motion by Mr. Pinansky of Cumberland, the Senate voted to reconsider its action of yesterday whereby bill, An Act Relating to the Practice of Chiropractic (S. P. 394, L. D. 417) was referred to the Committee on Public Health in concurrence; and on further motion by the same senator the bill was referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

On motion by Mr. Pinansky of Cumberland, the Senate voted to reconsider its action of yesterday whereby bill, An Act Relating to Registration of Chiropractors (H. P. 1348, L. D. 585) was referred to the Committee on Public Health in concurrence; and on further motion by the same senator the bill was referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, majority report "Ought not to Pass", minority report "Ought to Pass," on Resolve Proposing an Amendment to the Constitution Changing the Date of the Biennial Election (S. P. 193, L. D. 147), tabled by that Senator on February 12th, pending acceptance of either report.

Mr. FERNALD of Waldo: Mr. President, I move the acceptance of the minority report, "Ought to Pass."

The PRESIDENT: The Senator from Waldo, Senator Fernald moves the adoption of the minority report "Ought to Pass." Is this the pleasure of the Senate?

Mr. FERNALD: Mr. President, during my two terms in the House the thought occurred to me that that body was not the proper body for deliberation of a matter of any extensive importance to the state, for the reason that the membership was so large, and I felt that in the Senate where the membership is smaller and where we are associated closely together, that that was the place that the matters of the state could be taken up safely and sanely and that we could deliberate the affairs of the state and discuss them.

The matter of the September elections has given me some concern. It has been my effort to make some study of the problem. And with the idea of presenting certain facts and certain conclusions that I have arrived at after several weeks and possibly months of studying, I wish to present them before the Senate at this time for their deliberative action.

I believe that the real liberalist is at once truly conservative, since he preserves and builds upon all that is best in the past and that we are moving toward a period in the political history of our state when in deed and in truth the public good will come first. I feel that it has been mostly in times of peril and need like we are now experiencing that great works of progress have come into being. And with that thought in mind it occurred to me that the proposition to save the state of Maine fifty thousand dollars every four years would be in keeping with the duties and traditions of the Senate.

A stickler for euphony would prefer a slight transposition in the political adage, "as goes Maine, so goes the nation." "As Maine goes, so goes the nation," would sound better, and provide, as well, a more logical syntax. But far more important than the arrangement of the words is the belief in their truth, and it is probably too late to change either.

Both date from the famous "hard cider" campaign of 1840 which made Gen. William Henry Harrison President, and swept the Whigs in-

to national power. Claude E. Robinson, of Columbia University, has told the story in his book entitled, "Straw Votes: A Study of Political Prediction."

Maine at the time was known as a Democratic stronghold. In the two decades since her admission to Statehood she had elected such an overwhelming proportion of Democrats to office that her allegiance to the party of Jackson seemed quite as much a matter of course as her more recent Republicanism.

Then came the big sensation. With the first frosts of 1840, the Whigs of Maine, much to their own astonishment, elected Edward Kent, their candidate for Governor, by a margin of sixty-eight votes. The effect nationally was tremendous. The political exuberance of the year, already at flood-stage, broke all bounds.

"Oh, have you heard how Old Maine went?

She went hell bent for Governor Kent.

And Tippecanoe and Tyler, too."

Everywhere the ecstatic Whigs hailed the victory as a portent, and a portent it turned out to be.

Other states held early elections in those days, notably Vermont, in September (a habit she relinquished only as late as 1913), and Pennsylvania, Ohio, and Indiana, in October. But after the election of Harrison had confirmed the significance of the previous overturn in Maine, whatever aspirations any one of them may have had to shine as the national barometer were doomed. In any case, they gradually, and severally, dropped out of the competition, leaving the field to their Pine Tree sister.

That Maine is, in fact, a reliable barometer in a national election has been disproved quite as often as it has been proved. No one has been at more elaborate pains than Mr. Robinson to point this out. It is true that in sixteen out of the twenty-three Presidential elections since 1840 the party that elected its candidate Governor of Maine also won in the Presidential contest. "But this high percentage of successes does not prove that the Maine September election is a good instrument of prediction; rather, it is but a reflection of the fact that both Maine and the United States have been predominantly Republican since 1856 . . . None of the

five Democratic Presidential victories from the election of James Buchanan to the second election of Woodrow Wilson, have been preceded by the seating of a Democratic Governor in the September election."

The more sophisticated prognosticators have been aware of all this. It has been their rule, therefore, to interpret the Maine barometer in terms not of party victories there, but of Republican pluralities. To them a Republican tidal wave in Maine meant one of somewhat smaller proportions in the nation at large, while a close election forecast a Democratic, or near-Democratic, year. But Mr. Robinson's careful analysis of election returns does not bear them out. For instance, Maine showed normal Republican strength in 1884, and 1892, when Cleveland won the Presidency. It dipped only slightly under its norm, in this respect, in 1916, on the occasion of Wilson's reelection. In 1896, its Republicanism achieved fever-heat when, however, McKinley was having the time of his own, and of Mark Hanna's, life beating Bryan.

But the "as goes Maine" legend has remained impervious to such refutation. Born in exceptionally dramatic circumstances, it has become a vested political interest. The Republicans, especially, have seen to its nursing, and for obvious reasons. Maine since the War between the States has had only five Democratic Governors, and not before Mr. Brann's triumph last year had she ever reelected one of them. Hence, a Republican victory in Maine was almost a foregone conclusion, and could be advertised to attract the "band-wagon" voter elsewhere.

The G. O. P. has naturally pushed its advantage in Maine's September campaigns by reinforcing its local line-up of orators with big guns from the outside. The Democrats, in self-defense, have been forced to follow suit.

Along with these distinguished invaders have come generous allotments of pecuniary ammunition, from the national war chests. Locally, of course, this exaggerated attention is highly appreciated. It periodically puts Maine on the map to a degree that is the envy of much wealthier and more populous commonwealths, and to which she

could not possibly attain except for her barometric renown.

Last year, for example, the press of the entire country was on the alert to feel her pulse as her campaign proceeded. For weeks before election day, correspondents from far and wide canvassed her byways and hedges for symptoms of friendliness or hostility to the New Deal, even as the national champions of both sides stumped her cities and villages, thundering their broadsides. Her office-seekers became national figures, her voters the custodians of a national responsibility.

In almost every session of the Maine Legislature, during the last fifty years, the Democrats have sought to set the machinery in motion to eliminate the September elections. They would follow the example of the rest of the country and have all the voting done in November. The barometer idea has worked to their disadvantage too often, both nationally and locally. But they have never been able to get to first base with their project. The Republicans, always dominant in one of both Houses, have blocked the change, which would require a State constitutional amendment.

Apparently this year, too, the Republicans will remain in control of the Legislature, though by reduced majority in the Senate. At last, it has become the turn of the Democrats to shout, "as goes Maine," and of the Republicans to pooh-pooh the legend.

The opposition to this bill has said on previous occasions:

"Now it happens that back in 1820 the State of Maine was incorporated, or was established, for the purpose of creating a separate unit of government. The makers of our state constitution at that time determined that our elections for state offices should be held on the first Tuesday of September. They must have had reasons for doing this. They must have discussed and gone over the entire matter and done what they thought was best for the voters in the State of Maine."

Now, let us look at the record in the Debates and Resolutions and other proceedings of the Convention of Delegates, State of Maine. By Jeremiah Perley, Portland, A. Shirley, Printer, 1820:

"Sec. 4. Mr. Holmes, moved to strike out 'Monday,' and insert 'Wednesday,' as the day of election, as the arrangements for that pur-

pose are frequently attended to on the Sabbath.

"Col. Moody hoped there was virtue enough in the people of the new state, not to violate the Sabbath for electioneering purposes. There are strong objections to the alteration. There are many mechanics, who are in the habit of going home from their labor, a considerable distance, on Saturday, and returning on Monday morning; and it would be much more convenient for them, to attend the elections on that day, and not to be obliged to go home on purpose.

"Mr. Baldwin said, the farmers would be equally incommoded by the alteration. They frequently want to leave home in the beginning of the week, to go to market, or for other purposes, and be absent for the week, and this would interfere with their business.

"Mr. Parsons, of Edgecomb, said the fishermen were equally interested in preferring Monday, as they generally go out the first of the week and return home at the end of it.

"Mr. Holmes said, as three classes of people had already been mentioned as suffering inconvenience from the proposed change, he would withdraw his motion.

"Mr. Cutler, of Farmington, moved to strike out 'September,' and insert 'October.'

"Gen. Chandler hoped the motion would not prevail. By the Constitution, as reported, the towns are to be classed for the purpose of choosing representatives, and they would therefore need more time, in case an election is not made the first time, to complete the election.

"Dr. Phelps was in favor of October, and wished to have the third, instead of the second Monday.

"Mr. Vance preferred September, for the reasons given by Gen. Chandler.

"Mr. Holmes said, it was the object of the committee, to fix on a day between the former and latter and they considered the second Monday of September, as coming nearest that purpose.

"The motion was lost.

"Dr. Phelps moved to strike out 'second and insert 'third Monday.'

"Col. Moody, thought it best as it stood; the third Monday coming so near the equinox, the weather would not probably be so favorable. This motion was also lost, and the fourth section passed without amendment."

Now as I read that record of the doings of "The makers of our state constitution" I see none of the arguments of the opponents to this bill.

The opponents have said, "We should find out that whatever we propose to do is urgently demanded and absolutely necessary."

Now let us look at the record again. I say that the people demand that we run our government as economically as possible without decreasing any of the necessary functions of our government, and I say that if by the passing of this bill we can save from \$10,000 to \$12,000 annually that that is "urgently demanded and absolutely necessary."

Governor Brann in his 1933 Inaugural said:

"Two state-wide elections in a Presidential year, with the attending double cost to State, cities and towns seem unnecessary and I recommend a change in the date of the State election to coincide with the National election. This would entail an amendment of the State Constitution."

The 1934 Maine Democratic Platform said:

"Maine is the only state in the Union which holds two elections every four years, involving unnecessary expense in time and money to the candidates and the public and added expense to the State. We are in favor, therefore, of an amendment to the Constitution of the State and of such changes in the Statutory Law as may be necessary to change the election of all officers now elected on the second Tuesday of September as provided by the Constitution, to the Tuesday next after the first Monday in November, thus eliminating the September election and conforming to the method adopted in other States."

Governor Brann in 1932 and 1934 ran on a political platform that stood for this bill and the people elected him by 2000 in '32 and by a 23,000 majority in '34.

Governor Fernald advocated the bill in 1909.

The opponents have said there was no agitation in the newspapers for the bill.

Let us again look at the record.

Bangor Daily Commercial, February 3, 1933:

WHY NOT CHANGE?

"A majority report of the Judiciary committee of the Maine legislature returns an adverse verdict against the proposal to change the date of the biennial state election to correspond with the national election. Perhaps the majority of the committee found cogent reasons for objecting to the state getting in line with most of the other states, or it may be that they will favor some other bill designed to accomplish the same purpose. We do not know the reasons that impelled the majority of the committee to oppose the bill but hope that they were other than political.

"The suggestion has been made previously in the Maine legislature that the state should get along with but a single election in the years of presidential elections, but unsuccessfully. The Republican members have been found in opposition very generally for the supposed reason that an early election in Maine with Republican victory aids that party in other states. This is a reason that does not offer so much argument as before last September. The only other arguments that might be advanced, so far as we can see, in opposition to holding the state election with the national in November is that the weather is more clement in September and voters can reach the polling places with more ease. We do not argue the thought that the gentlemen who assist their incomes from political activity prefer two opportunities rather than one to gain financial sustenance, although the influence of this thought may have been felt at Augusta.

"Aside from weather conditions we can discern no legitimate argument, unless it be publicity for Maine, to support September elections, and there are several good reasons why the date should be changed. One reason is financial, for the state could be saved a good many thousands of dollars by eliminating one state election every four years.

"Another reason, also financial, is the saving of time for the 200,000 or more citizens of the state who participate in the elections, the unnecessary election one year in four constituting a very considerable economic waste.

"Until recent years the Maine custom of holding two elections in

presidential years has not borne so heavily upon the voters as it does at present, for with the adoption of the direct primary there came another biennial election, so that now in presidential years Maine voters are called three times to the polls, causing a rather general attention to politics from June to November.

"It may be that the politicians object to a change on the not declared ground that national committees may be inclined to send more money into Maine for the September election on the ground that a good showing in Maine may have its effect upon the national contest, but considering the loud lamentations last fall to the effect that very little money was received from the national committees, one of these statements must be discounted.

"Generally speaking, it appears to us that the elimination of one election in presidential election years should be beneficial to the state and to its people. The legislature should insist on the production of good reasons for refusal to make the proposed change."

Bangor Daily Commercial, February 11, 1933:

ELECTIONS; WHEN?

"Although the Maine House of Representatives has gone on record as favoring the proposed change in Maine elections so that the state and presidential elections will be held on the same date in presidential years, the news from Augusta is that the measure will be defeated in the upper branch, apparently in response to a cracking of the whip by the Republican organization. We note that prominent members of the organization have been quoted as against a change and that Republican newspapers are taking the same attitude, although some of them had at first favored on the standpoint of state economy.

"To us it appears unfortunate that politics appear to be injected into this matter and, as we see it, the Republican organization is misguided if it endeavors, as appears plain, to have the present system continued. The sole question that should be considered is, if it be for the advantage of the state of Maine to remain out of step with the other states and hold two elections, in addition to the primary election, in presidential years.

"In support of the change, the ar-

guments are that the cost of one election would be saved to the state, amounting, perhaps, to some \$30,000, and that the voters would save the trouble and expense of participating in two elections when one would suffice. In opposition, it is declared that weather conditions in November are not so favorable for the voters to attend the polls as in September and that Maine receives benefit from the advertising that it secures by reason of the nationwide attention attracted by the September election returns. These are the open arguments. The hidden ones are that the Republican party nationally gains benefit from the Maine election returns because the state usually goes Republican and may be broadcast as indicative of coming Republican success in the nation; and the desire of Republican politicians to keep the political pot boiling with a longer duration of their personal importance and enhancement of political contributions.

"It may be added that another possible hidden reason for Republican organization opposition may be found in the fact that, in his inaugural, Governor Brann, proposed the amalgamation of the September and November elections.

"As mentioned, the arguments openly advanced in opposition, so far as we have noted, are confined to two, better weather conditions for getting out the vote in September over November, and the state advertising.

"The weather argument falls by the facts. In the Maine election last September the total vote cast was about 240,000 in round numbers, that cast in November was rising 290,000, or some 50,000 more votes thrown in the November election. In 1928, the total vote cast in the September election was 213,625 as compared with 261,102 in the November election, figures demonstrating that the alleged unfavorable weather conditions in November do not keep the voters at home.

"We are told by opponents of the proposed change that the advertising that comes to Maine through the September election is of great value to the state, but the allegation is not proved. How many persons are brought to Maine to disburse their money because they read in the newspapers that Maine has held an election and has gone Republican or Democratic as the case

may be? Can anyone give that argument serious support?

"We have almost overlooked the suggestion made by one newspaper in the western part of the state, that state and national issues should be kept separate and cannot be adequately handled by the voters at the same time, although the voters of other states are able to do so. That contention is particularly amusing because that particular newspaper is continually stressing the need of party loyalty and advocating primary changes to improve party loyalty.

"If that newspaper is sincere in its demand for party loyalty, why does it think that state and national issues demand separate treatment on separate dates?

"If we look at the matter from a standpoint of partisan politics, we cannot find an argument why the Republican organization leaders should not desire one election in presidential years. Last year the Republicans of Maine were beaten by some 3,000 votes in September and won by some 38,000 in November. Supposing the state election had been held jointly with the presidential election last year, is it not practically certain that the Republican nominee for governor would have been elected? To us the organization leaders of the Republican party who are opposing the proposed election change are leading in the wrong direction, judging from the standpoint of Republican advantage.

"There is presented an opportunity to change the date of the state election and thereby avoid one election day in presidential years with a financial saving to the state and we hold that the question should be considered from an economic rather than a political standpoint and without consideration of the source of the proposal. It is not a great issue but it is important that it should be decided in accordance with the interests of the state and its people and not at the dictation of a political organization.

"The Maine House, wisely we think, accepted the minority report from the committee and declared for the proposed change. The issue will be handled in the Senate next week, and, as the Senate is more readily handled politically than the House, it is very likely that the verdict in the upper

chamber will be in opposition to a change, but, if so, that will be mistaken action and in response to a demand from political leaders who are animated by selfish reasons. The Republican organization has not been notably successful in its leadership in recent years and in this matter is again off on the wrong foot. If it succeeds in defeating the proposal, it will be presenting the opposition party with some ammunition to be used in the 1934 state election, for the people will be told that a Republican legislative majority turned down a perfectly sensible and logical proposal to save the state money and for partisan reasons alone."

Bangor Daily Commercial, February 16, 1933, as Expected

"As suggested in this column would be the case, the Maine Senate voted down the proposal to change the date of the biennial state election from September to November, a proposal made by Governor Brann in his inaugural address and which, according to figures offered, would have saved the state a little more than \$40,000 once in four years, by eliminating the expense of one election in presidential election years.

"The discussion in the Senate brought out nothing new in the way of argument. Senator Weeks of Somerset, speaking in favor of the present method, did his best with a poor cause. He argued that the framers of the state constitution in 1820 must have had their reasons for placing the state elections in September; suggested that the 252 selectmen of towns who favor the change may have been influenced by the thought that the omission of one election day in four years would have them labor; that weather conditions in September are more likely to be favorable for the voters than in November; that September is better for campaigning; that Maine receives an advertising value from the September elections; that by two elections in presidential years, state and national issues are diversified; and that the costs of the additional election are distributed in Maine to Maine people.

"Rather weak arguments these, as we view them. Transportation facilities have changed greatly since 1820; the slur on the selectmen, who are anxious to save ex-

pense, seems rather undeserved; the weather argument fails as in our last two presidential elections held in November, about 50,000 more votes were cast than in each of the preceding September elections; the advertising claim is mere piffle; the diversification of issues must be unique, for Maine as the other states feel no need of a September election in addition to the November one; the argument that the money waste is paid to Maine people would go for about any state expenditure.

"These arguments as advanced by Senator Weeks were riddled by Senator Holmes, speaking in favor of the proposed change, but while Senator Holmes had the arguments, Senator Weeks had the votes.

"Glancing again at the speech of the Senator from Somerset we note that we omitted to mention one of the reasons that the Senator gave for retaining the September election. It is so good that we quote him on this point. Senator Weeks said: 'Something has been said about the 'slush fund' that we are receiving in the State of Maine. If we receive fifty or seventy-five or one hundred thousand dollars from outside the State of Maine—and I think probably a hundred thousand is very conservative—that money is out-of-the-state money and it comes down here into Maine and is distributed among the citizens of the State of Maine****' We are certainly getting a great deal of money from outside the state distributed to the taxpayers of Maine, which more than makes up the expense of the election.

"The Senator from Somerset thinks its conservative to estimate the amount of campaign money sent into Maine at \$100,000. It would be interesting to hear from the political state committees that last fall were bemoaning the lack of funds and the deaf ear turned to their pleas by the National committees. If they received \$100,000 what did they do with it? Senator Weeks says it was distributed to the taxpayers of Maine. We suggest that the taxpayers would prefer a decrease in their taxes.

"The real truth, we think, is that the spokesmen for the Republican party in Maine, prefer to continue the September elections and that the Senate majority has listened to their counsels. The issue was made practically a party one in the

Senate, although it was treated non-partisanly in the House. In view of the state deficit and the need of economy we believe that the change should have been voted, for the saving could have been effected without any injury to the interests of the state. The legislature is endeavoring to balance the budget, is reducing salaries, turning down requests from charitable and philanthropic institutions, striking at education and curtailing appropriations generally. Such an attitude must be approved under existing conditions. — providing there is no waste. But the public will look askance at legislative declarations of strict economy when there is refusal to cut out an expenditure of \$40,000 simply to provide for two elections in a period of two months when one would answer every beneficial purpose."

Lewiston Evening Journal, January 13, 1933

"We are inclined to agree with Mr. Fernald about the union of the two elections every four years."

Banger Daily News, February 4, 1933

"If it is undesirable, all we can say is that of the 48 states comprising this glorious union all are out of step but Maine."

The 1934 Maine Republican platform said:

"The cause of good government requires a new brand of political ethics. The procurement of political support by the unwarranted expenditure of public money must be regarded as bribery in its lowest form."

And in 1933 the Selectmen of the following 252 Maine towns and cities favored. And why? Because it meant an individual saving for their communities. I will read it to you.

In the town of Abbot it would save them \$23.46. It would save the town of Albany \$20; the town of Albion, \$17.50; Alexander, \$20; Alfred, \$25; Amherst, \$14.40; Amity, \$9; Anson, \$60; Appleton, \$17.50; Argyle, nothing; Arrowsic, \$24; Ashland, \$15; Atkinson, \$15; Auburn, \$479; Aurora, \$14.40; Avon, \$15; Bar Harbor, \$99.54; Baring, \$25; Bath, \$1200; Beddington, \$18; Belgrade, \$25; Belmont, \$26.30; Benedicta, \$12; Benton, \$36.20; Berwick, \$50; Bethel, \$50; Biddeford, \$850; Bingham, \$20; Blaine, \$20; Blue Hill, \$95; Boothbay, \$100; Bowdoinham, \$25; Bradley, \$20; Bremen, \$24; Brewer, \$450; Bridgton, \$30; Bristol, \$40; Brook-

lyn, \$30; Brooks, \$21; Brookton, \$4; Brownfield, \$25; Burlington, \$25; Calais, \$376.65; Canton, \$10.50; Cape Elizabeth, \$55; Carratunk Plantation, \$15; Caribou, \$85.60; Carroll, \$38; Carthage, \$18; Castine, \$14.60; Chapman, \$27; Charleston, \$8; Chesuncook Plantation, \$25; China, \$40; Clifton, \$20; Clinton, \$22.20; Codyville Plantation, \$12; Coplin Plantation, \$15; Corinth, \$25; Crawford, \$15.94; Cushing, \$20; Cutler, \$15; Dallas Plantation, \$20; Danforth, \$25; Dayton, \$20.70; Deblois, \$15; Deer Isle, \$65; Dennysville, \$25; Dexter, \$24.05; Dixmont, \$30; Dresden, \$13; Eagle Lake, \$40; Edgington, \$20; Edgcomb, \$25; Edmunds, \$7.50; Embden, \$18; Enfield, \$25; Etna, \$25; Exeter, \$4; Farmington, \$70; Farmington, \$60; Fayette, \$20; Fort Kent, \$40; Frankfort, \$21; Franklin, \$30.50; Freedom, \$25; Freeman, \$20; Freeport, \$24; Georgetown, \$20; Gilead, \$12; Glenburn, \$15; Glenwood Plantation, \$13.50; Grand Falls Plantation, \$10.16; Grand Lake Stream Plantation, \$16.96; Greene, \$25; Greenville, \$20; Guilford, \$40; Hallowell, \$167; Hampden, \$20; Hancock, \$28; Harrington, \$25; Hartford (none); Haynesville, \$4; Hermon, \$12; Mersey, \$13; Hiram, \$45; Holden, \$24; Hollis, \$55; Houlton, \$50; Howland, \$15; Hudson, \$17; Industry, \$25; Island Falls, \$30; Jackson, \$18.50; Jonesport, \$100; Kennebunk, \$35; Kingfield, \$21; Kingsbury Plantation, \$20; Lagrange, \$20; Lake View Plantation, \$37; Lebanon, \$50; Lee, \$12.50; Leeds, \$20; Levant, \$14; Lewiston, \$452.69; Lexington Plantation, \$15; Liberty, \$22; Limestone, \$30; Limington, \$25; Lincoln, \$50; Lincoln Plantation, \$16.75; Lincolnville, \$20; Linneus, \$8; Lisbon, \$75; Long Island Plantation, nothing; Lubec, \$28; Lyman, \$25; Machias, \$20; Madison, \$65.50; Mapleton, \$30; Mariaville, \$13.16; Mars Hill, \$25; Mason, \$9.00; Mechanic Falls, \$35; Meddybemps, \$20; Mercer, \$10; Milford, \$41.50; Milton Plantation, \$18; Monhegan Plantation, \$14.50; Monmouth, \$68; Monroe, \$20; Moose River Plantation, \$30; Mt. Chase, \$150; Mt. Desert, \$125; Naples, \$10; New Castle, \$27.45; New Gloucester, \$33; Newport, \$26.50; New Sharon, \$20; Northport, \$25; No. 21 Plantation, Washington Co., \$20; Orient, \$24; Orneville, \$28.75; Orono, \$50; Oxford, \$37; Palermo, \$20; Palmyra, \$18; Paris, \$100; Parkman, \$21; Patten, \$10; Penobscot, \$27; Perham, \$15; Peru, \$25; Pittsfield, \$70; Plymouth, \$18; Poland, \$50; Portage Lake, \$10;

Portland, \$2000; Prentiss, \$15; Princeton, \$25; Rangeley, \$28; Richmond, \$50; Ripley, \$12; Robbinston, \$18; Rockland, \$256.25; Rumford, none listed; St. Agatha, \$30; St. Albans, \$18; Salem, \$8; Sandy River Plantation, \$2; Sanford, \$114.50; Sangerville, \$15; Searsmont, \$23; Sebago, \$25; Sebec, \$25; Seboeis Plantation, \$15; Sedgwick, \$30; Sherman, \$10; Shirley, \$7; Sidney, \$30; Skowhegan, \$90; Smithfield, \$21.65; Somerville, \$12.50; Sorrento, \$17; South Berwick, \$45; Southport, \$22; South Portland, \$662.77; South Thomaston, \$12; South West Harbor, \$60; Springfield, \$21; Standish, \$100; Steuben, \$25; Stockholm, \$20; Stockton Springs, none listed; Stoneham, \$40; Stow, \$8.80; Strong, \$30; Sullivan, \$50; Sumner, \$25; Surry, \$33.50; Temple, \$24; Thomaston, \$34.89; Topsfield, \$9; Troy, \$19.50; Turner, \$29.30; Union, \$21.85; Unity Plantation, \$15.66; Van Buren, \$16; Vanceboro, \$25; Veazie, \$14; Verona, \$25; Waldoboro, \$60; Wallagrass Plantation, \$35; Warren, \$38; Washington, \$25; Waterford, \$35; Webster, \$50; Weld, \$16.50; Wellington, \$6; Wells, \$40; Wesley, \$18; West Bath, \$18; Westfield, \$25; Weston, \$6; Whitefield, \$25; Willimantic, \$23.60; Windham, \$40.70; Winter Harbor, \$35; Winterport, \$20; Yarmouth, \$30.

While the selectmen of only 8 Maine towns opposed the proposition, as follows:

Town	Population (1930 census)
1. Bowdoin	568
2. Dyer Brook	262
3. Hanover	170
4. Hebron	791
5. Masardis	584
6. Montville	664
7. Thorndike	455
8. Whiting	327
	3821

And the opposition says there is no demand for the change. I will leave the answer to you.

The opponents say that Maine people prefer to vote in September rather than in November. They say it is more convenient to vote in September than in November.

Let us again look at the record. In 1928, 213,000 people voted for Governor in September but 262,000 voted for President in November, 1928. In 1932, 241,000 voted for Governor in September, while 298,000 Maine people voted for President in November, 1932.

The opposition says that September is a better month for campaigning.

Let us again look at the record. If we have our general election in November, as is proposed by this bill, our Primary election would come in September, which is a far better month for campaigning and travelling than May or June, and then our State convention would come in June or July when the country folks and city folks could all go to the State convention, whereas under our present system many a rural community in Aroostook, Hancock, Piscataquis and other counties is not represented at the State convention because of inability to travel to the convention hall at Portland or Bangor.

The opposition says that because of our unique position we get a lot of advertising.

Let us look at the record. In 1932 the State alone spent \$9,772.74 on the September election while in 1934 the amount rose to \$13,706.60.

If you want to advertise Maine, let's abolish the September election. Let us then spend the \$50,000 we would save—in direct advertising of our agricultural products, sea products, and other Maine commodities. It would be more direct and more valuable to the people of Maine whom we are trying to help.

The opponents say by having an election in September and another in November you "diversify" the state and national issues.

Let us look at the record. On February 8, 1933 I debated this question successfully in the House of Representatives when I carried it through the House with a vote of 96 to 50 with 4 absent and the Speaker not voting. At that time, Representative Gail Laughlin made the same fallacious argument. Standing close to me was a very strong advocate of my position, and he sent me this note:

"Roy:

Smash that bird from Portland about State election in September. We elect 2 congressmen and a U. S. Senator in September. The Sept. election is a national election. We have 2 national elections."

And let us look further into the record. The 1934 Maine Republican platform said:

"The cause of good government requires a new brand of political ethics. The procurement of political

support by the unwarranted expenditure of public money must be regarded as bribery in its lowest form."

Regardless of your politics—Republican, Democrat, or what have you—there is only one conclusion—that you can fairly and squarely arrive at in the solution of this problem.

To go further into the record, we find the following argument presented by the distinguished Senator Holmes from Androscoggin in this chamber on February 15, 1933:

"Now I have had Democrats, not members of this Legislature, say to me, 'Why, the last September election ought to be an eye-opener to you. You had better forget that Democratic platform. It is a good thing for the Democratic party to have an election in September.' Now I think those people are wrong. They are short-sighted and I think the Republicans are short-sighted. The fact is that the people of the State will vote if they are interested, if their interest is involved, and it doesn't make a bit of difference, so far as the vote getting out, whether the election is in September or in November.

"There are some—I haven't heard the argument here and I don't believe I will—there are some who say that we want the election continued in September as it is in order to keep our state matters separate from our national matters and hold our state election in September and our national election in November. Of course that would be really ideal if it were a fact, but it isn't. Of course the fact that our September election is a joint state and national election and the November election is merely the presidential election. And after we cast our vote in September we decide that everything is all finished and we make no effort to change the minds of any of the electorate for the November election; and yet one wonders if there had been on September election this last year would Louis J. Brann be governor of this State today, because although he was elected by a small majority in September and two out of the three Congressmen were elected in spite of that fact this State went Republican by about 38,000 majority in November.

"Now I mention these things, members of the Senate because I

do not believe, as I said in the beginning, that the political aspect should be considered at all, that this measure, although it has good sound arguments behind it and has every time it has been offered in the Legislature, should be considered from the political aspect. Today it should be regarded as an economic measure and so again I remind you of a thought that each one of you has in his mind that when you go back to your people the first of April you are going to be called to account, each and every one of you, as to what actual savings you have made in the cost of running this State."

And our colleague, the Senator from Sagadahoc, at that time also said:

"Mr. President, I regret exceedingly that I cannot entertain the members of this legislative assembly and our visitors as my two distinguished colleagues have done. I have neither the oratorical nor the histrionic ability to do that. Neither have I any disposition to take the time at this late hour. I have listened intently to the arguments of the distinguished gentlemen from Somerset and Androskoggin counties. I care not what their political affiliations may be. I do believe, however, that as an economic measure the minority report of the committee is sound. I believe also that there is a very distinct popular demand for this amendment to the constitution. I am convinced that my constituents in Sagadahoc County are ninety per cent for this change. I am not bound to be right, but I am bound to live up to the light I have. I will stand with any man who stands right regardless of his political or religious affiliations; stand with him while he is right and part from him when he goes wrong.

"I hope for the adoption of the Minority Report in concurrence with the House and, Mr. President, when the vote is taken I ask for the Yeas and Nays."

And now, Mr. President and Members of the Senate: Today we have before us for consideration the proposition as set forth in Legislative Document No. 147, a Resolve proposing an amendment to the Constitution changing the date of the biennial election from September to November and thereby in the presidential year holding one

election instead of two. This would result in a saving to the State of Maine and to the towns of Maine of nearly \$50,000.

In the platform adopted at the Maine State Republican Convention in 1924 we find the following statement:

"Reduction of Federal taxation brings small relief to the average citizen of Maine if State, City and town taxes continue to increase. The State should point the way to lower taxes by strict economy in the expenditure of public funds."

In the platform adopted at the Maine State Republican Convention at Portland, March 31, 1932, we find the following statement:

"The Republican Party recognizes that present economic conditions prompts serious consideration of the burdens of taxation. In view of the fact that Federal, State and Municipal taxation in the United States increased 225 per cent from 1913 to 1930, a drastic cut in expenditures seems to be of first importance. The Republican Party pledges itself to a program of strict economy. The burden of taxation has become so heavy that every effort toward reduction of expenditures must be made. Instead of seeking additional revenue by imposition of additional tax, the efforts of the State should be directed to further elimination of waste and a determined opposition to all expenditure that may be avoided at this time."

Now, most of the Republican members of this Senate were present at those Republican state conventions. You helped make those platforms. Many of you stood on them during the campaigns of 1924 and 1932 and now I ask you Republicans to do something about it. Keep faith with the folks back home. I ask you as Republicans, are you keeping the Republican party's pledge of a "program of strict economy" for 1935 if you refuse to save nearly \$50,000 as proposed by this measure? I ask you as Republicans, are you making an effort toward the "elimination of waste and a determined opposition to all expenditure that may be avoided at this time", if you refuse to save nearly \$50,000 as proposed by Legislative Document No. 147?

We are told by the "Republican High Command" that there is a political advantage to the Republican party if we have the state elec-

tion in September rather than in November, as I propose in this resolve. Now let us look at the record. Since the Civil War Maine has elected six Democratic Governors in September. Yet for the same period the Republican Party has never been the minority party in the November election. Let me repeat, that for nearly three-quarters of a century the Republican Party has never been the minority party in November. It would seem to me that the Republican "ring leaders" are more interested in the "slush fund" of the Republican National Committee than in keeping Maine Republican when they advance this argument of political advantage for the September election. Yet the 1934 Democratic slush fund made every Republican politician turn green with envy. It made them look like pikers. The record in reality shows a disadvantage. It would appear that since the Democrats are so willing to legislate themselves out of office this year that it would be good Republican strategy to pass this resolve, but there are still other considerations.

We are told by the theorists that we should continue the September election so as to keep our state matters and our national affairs separate. But let us look at the record. Today, under our present law, we elect in September our members of Congress and our United States Senators along with our state and county officials. Thus we see the flaw in that argument. Carrying the argument still further, the record shows that in 1908 the Republican propagandists had for their slogan, "A vote for Fernald is a vote for Taft," and in 1916 the cry was, "Vote for Milliken and vote for Hughes." These are facts you are all familiar with. Let me also point out that this measure will put Maine in accord with the "lame duck" amendment. Maine is now the only state out of step with that part of our United States Constitution. Maine cannot afford to be out of step with that progressive amendment.

We are all told that the September election advertises Maine. If such an advertising scheme is effective, why has not Florida or California adopted similar methods? Can you name a single industry that has been established in Maine because of our September election?

Do you know of a single person who has moved to Maine with his family, taking up a settlement in our state because of the September election?

The answers are self-evident. If we must advertise Maine, I ask you, why spend indirectly \$50,000 of the people's money in a needless and wasteful September election? I would suggest that we abolish the September election as proposed by this measure and spend our \$50,000 in the direct and effective advertising of our agricultural products.

We are told that it is more convenient for our people to vote in September than in November. We are told they prefer to vote in September rather than in November. Let us examine the record. In the first place, I am willing to admit that before the days of good roads and good automobiles these arguments had some merit. But in September, 1932, there were 241,000 votes cast for governor with both Democrats and Republicans spending a great deal of money and it is not uncommon in Maine for a state campaign to cost from \$100,000 to \$200,000. While in November, 1932, with practically no money spent by either side in Maine nearly 300,000 votes were cast for President—48,000 more Republicans and 8,000 more Democrats than voted in September of the same year. In 1928, the results were the same. In September, for Governor we received 213,000 votes while in November the total vote cast was 262,000, or 31,000 more Republicans and 16,000 more Democrats than in September, 1928. This clearly and conclusively shows that the people of Maine have no aversion to voting in November.

Why did Vermont abolish its September election in 1913. In many ways Vermont resembles Maine. It also is a recreational state, but it saw the need for real economy, an opportunity to save the people's money, and no advantage in the September election.

The change as proposed by this resolve, Legislative Document No. 147, should appeal to the farmers and the people in the small towns, for under this bill it would mean that our State conventions would not be held in March—in mud times—or when the roads are in bad shape, but the State conventions would be held late in July, after haying, when all the delegates

from all parts of Maine could attend and, therefore, give us a greater degree of representative government. As it is now, the larger centers of population are more accessible and can be represented at our March State conventions 100%, while many rural communities are often without delegates or representation of any kind. Under my proposed change, our primary would probably be held in September and the campaign proper would be shorter and at a better season of the year. This change would also be of great benefit to the fishermen of Maine because we are all aware of the fact that most Maine fishermen have less to do in November than in September.

Senator Murchie, in 1933, gave us figures on election costs and pointed out some of the evils of money in elections. In that same connection I believe it is a conservative statement to say that more money is spent unnecessarily in Maine in the September election than in any other rural state in the union. Again, let me ask my Republican brethren to recall the 1934 September election. Are the Republicans of this legislature going to turn down this bill and thereby admit that the only means of defeating their opponents is through the use of a political nursing bottle? Good Republicans, like Good Democrats, will always stand ready to carry out their civic responsibilities and this bill before you today aims to maintain and encourage that fundamental principle.

How does the press feel about this measure? The Lewiston Evening Journal under date, January 13, 1933, says, "We are inclined to agree with Mr. Fernald about the union of the two elections every four years." On February 4, 1933, the Bangor Daily News says, "if it is undesirable, all we can say is that of the 48 states comprising this glorious union all are out of step but Maine."

How do the people of Maine feel about this measure? They favor it. In a questionnaire sent to 500 selectmen and mayors of 500 Maine towns and cities, out of a total of 264 only 8 opposed the measure, and 252 said yes, we "favor having our state elections in November instead of September, thus doing away on Presidential years of the September election costs." They also said

that the total cost to about one-half the towns and cities of the state for this useless election in September, 1932, was over \$15,000. If we add to that amount the cost of the election to the State of Maine which was in 1932, not including the recount expenses, about \$10,000 and \$14,000 in 1934, we can readily see that the cost of the September election to both the state and local communities is about \$50,000.

For your information I will state, again, that the selectmen opposed in 1933 to the change were from the following 8 towns:

(1930 Census)

	Population
1. Bowdoin	568
2. Dyer Brook	262
3. Hanover	170
4. Hebron	791
5. Masardis	584
6. Montville	664
7. Thorndike	455
8. Whiting	327

Total 3821

Of the 20 cities in Maine, ten were in favor of the change, as follows:

1. Auburn
2. Bath
3. Biddeford
4. Brewer
5. Calais
6. Hallowell
7. Lewiston
8. Portland
9. Rockland
10. South Portland

Bangor indicated no choice, although the September, 1932, election cost the city \$500. The other cities did not answer the inquiry, yet it is striking to point out that no city in Maine disapproved of this measure. But it is still more striking that the selectmen and mayors of communities containing over half the population of Maine favored the measure.

This is a constitutional amendment. There are two questions to answer in this connection. First, is the proposition sound? The answer is yes, since 47 out of 48 states in the union have adopted it. Second, is there a popular demand for it? The answer is yes. The Democratic platform of 1932 which received the endorsement of 121,000 voters is definitely pledged to it and, furthermore, the most popular phase of all is that it will save nearly \$50,000 of the state's and towns' money, and since over half the population in

Maine favors the measure, as indicated by my postal card poll.

There may be those among you who feel that this is a radical change. But let me point out again that no other state in the union goes to this unnecessary expense. Furthermore, in 1880 Maine saw fit to discontinue the practice of electing its governor every year and holding annual sessions of the legislature. The changes of 1880 were changes in the right direction and saved us a great deal of money, and gave us a better and more efficient government. History has shown these facts to be true.

As early as 1874 this change, proposed in Legislative Document No. 147 now before you, was advocated in the Maine Legislature. In 1876, 1883, 1897, 1889 and from 1909 to date, with four exceptions, this measure has been before every Maine Legislature. The usual procedure has been to kill the bill in committee or to send the proposal to the floor with an unfavorable report, which was speedily adopted by a straight party vote. But today is 1935. We are here as legislators to practice REAL ECONOMY and not five and ten cent economy. We have been here six weeks. What have we done. What real economies have we effected? The average man or woman today has his or her eyes on you and is closely watching your every act. Today you will go on record; yes, the printed record, when the roll call is taken. A vote "Yes" will save Maine nearly \$50,000 every four years. This is no time for shadow boxing economy. We want economy with a real punch and so do the people. As your record now stands, when you go home you can say to your constituents, "This has been a very economical session. I saved for the State of Maine a few dollars in telephone calls and a couple of dollars on fountain pens." And if you vote against this economy measure you can say you saved the "slush fund" that comes from the Republican National Committee every four years to Maine's Republican political ring racketeers and that you have saved the contributions the National Treasury makes indirectly to the Maine Democracy. This, I believe, means more to the Republican ring leaders than to the average tax payer or to men and women like ourselves.

Again, let me repeat that this question has been many times before the Republican organization leaders

in Maine and they attack it in the same manner that they do most public questions, like the Bourbons of old, never forgetting anything and never learning anything, although it is hard to believe they will forget September, 1934.

"As Maine goes so goes the Union" is apple sauce and is peddled as such by the Republican leaders while the people of Maine are paying the freight at a cost of \$50,000. The September returns from Maine cannot be seriously regarded as an omen of the national election outcome. Actually, the Maine election returns, although suggestive of a national trend, have proved false as a political barometer.

In the Portland Evening News, Tuesday, May 6, 1930, as a Republican, I advocated the changes I now advocate from the floor. In 1933 the House passed this bill 96 to 50. Representatives Ashby, Friend, Goodwin and Fernald voting for it. I was only attempting to carry on the political program of a great Republican governor of Maine, Bert M. Fernald, who said in his inaugural address of 1909, "It is a waste of time and money to hold two elections when one can serve as well."

The Democrats of Maine in their platform of 1932 and 1934 were pledged to this measure. Governor Brann advocated it in his 1933 inaugural. It is a measure that is as sure of adoption as the sun is to rise tomorrow. Our President has called for a "New Deal." I am calling on you to give the people of Maine a "square deal" as Theodore Roosevelt would put it. And now, in closing, in the words of that great Republican governor of Maine, Governor Fernald, "I beg of you, however, to consider this phase of your duties seriously. If there be any man here who looks upon his oath of office taken before God and man, as of small account, let me beg him to revise his views. If any man there be who assumes his first duty to be to his political party and his second duty to his state, let me beg him to desist. This is not the proper field for exploitation of party prejudices or of personal and political ambitions. The gravity of the duties here imposed calls for a higher estimate of our service than this, and constitutes an appeal to the patriotism of every man, in such degree that he will ungrudgingly sink himself and his party, in a devotion to the service of the whole people."

After all, in the final analysis, re-

gardless of how we vote on this question today, since it is a question on the amendment to our Constitution it must go to the people. There is a demand for this measure. My 1933 Postal poll indicates this. It is an economy measure and consequently popular. Therefore, I say, let the people vote on it; let them decide. It will cost the state nothing since it can be voted on along with a number of other measures that will be submitted to them by this legislature. This legislature cannot go on record as opposing the submission to the people of Maine of a sound measure, of a popular measure, and of a measure saving nearly \$50,000. They pay the bills. Let them decide the question. They want to. I thank you. And, Mr. President, when the vote is taken I would like to call for the Yeas and Nays.

Mr. BLAISDELL of Hancock: Mr. President, I feel that it is my duty at this time to oppose the motion of the Senator from Waldo, Senator Fernald. I shall take your time but briefly, starting out with the proposition which the Senator from Waldo (Senator Fernald) has mentioned that "As goes Maine, so goes the nation." That story, he says, is applesauce, and I am going to tell you that applesauce is a good healthy food and I like it and I propose to stick with it.

I am rather distressed at the interpretation which the Senator has placed upon the Republican platform of 1934. At the convention of 1934 I was a member of the Resolutions Committee of the Republican Party. We did discuss all of the several things which he has mentioned and discussed here, relative to the unnecessary expenditure of the people's money and we discussed the question of taxation, but under no circumstances and by no stretch of the imagination could it be said that any question was involved of changing the date of our biennial election. That was not a proposition before the Committee on Resolutions. Had it been, after eight or ten hours of hard work in that committee I would have known it and at this time would have been able to tell you whether or not the convention was discussing the matter of economy by way of when the elections should be held or when they should not. The traditions of the State of Maine practically force us to keep our election date exactly as it is because our geographical position in

this great nation of ours is such that from the west they look across to us and from the south they look up to us as an election barometer, and it seems to me that there is nothing for us to do but to hold our position so that they will continue to look across to us and up to us.

I know nothing of these numerous demands which have been coming in that this measure should be passed. I have not been swamped with letters or telegrams or postcards as has the Senator from Waldo (Senator Fernald). Surely the matter now before us has had plenty of opportunity to be considered by the public and they have surely had plenty of opportunity to be heard but how many of you have received from all quarters of the State strong demands that this should be changed? I have neither one letter nor one postcard nor one telegram attempting to influence my position in this matter.

It is somewhat distressing to me to hear that the Republican party has for years and years, as has been indicated, held its election in September for the sole purpose of receiving a Republican "slush fund." Surely that cannot be the reason that we are holding our election at that time. The people back home who sent us here are the Republican voters of this state. We are merely their representatives and I believe that had they wanted this changed they would have informed us of their desires and their wishes in this matter. We have maintained our ideals. We have maintained our position in the United States relative to our time of election.

I see no reason for taking up more of your time except in calling your attention to the fact that the Senator from Waldo (Senator Fernald) has repeatedly referred back to the position taken by former Senators and Representatives who have been here and expressed their opinions, in an effort to confuse both Republicans and Democrats alike as to how they stood and as to how their predecessors have stood on this matter. I believe that it is this Senate, here and now which has to determine whether or not this bill is to pass, and the remarks of ex-Senators and ex-Representatives, even though all that he referred to were personal friends of mine, for whom I have the highest regard, should not influence me.

It is up to this Senate, here and now, to determine this proposition and not to be influenced by newspaper clippings or letters from other states, but to decide from your own convictions and the dictates of your own hearts as to whether or not you feel that in Maine we should maintain our position in the political set-up of this country by saying, "Watch us; we will show you the way."

Mr. JACKSON of Sagadahoc: Mr. President and gentlemen, I have been exceedingly disturbed and irritated during the speech of the distinguished Senator from Waldo (Senator Fernald) by the noise made by the rattling of papers, the closing and opening of doors, and so forth. Had my hearing not been phenomenally good I should have lost much of his argument. But I did not need that argument to arrive at my own conviction.

I take issue with the distinguished Senator from Hancock (Senator Blaisdell) in the remark he has just made that we are here representing the Republicans back home. I do not consider, although I was elected as a Republican, that I am here representing the Republicans of Sagadahoc County. I consider that I am here representing the people of Sagadahoc County and their interests. I have seen no reason during the last two years to change my convictions on this matter one iota and my convictions were quoted by the gentleman from Waldo (Senator Fernald). And when the vote is taken I shall vote for the acceptance of the Minority Report.

Mr. BURKETT of Cumberland: Mr. President, the matter before us has been so fully covered, as far as my position is concerned, by the Senator from Hancock (Senator Blaisdell), that I am not going to weary you here by reiterating it. I do feel some responsibility, however, as a member of the Judiciary Committee, to explain the position of that Committee. The Committee has pending before it this session a number of resolves proposing amendments to the Constitution about which we have been considerably disturbed, but we do feel in that Committee, and, I believe, feel rightly that when a resolve comes in proposing a change in the Constitution of this State there should be some evidence presented to the Committee of some demand on the

part of the people of the State for such a serious change.

I heard this same resolve debated in three preceding sessions of the Legislature. The same words have been used, the same arguments have been advanced, and I am still of the opinion that the change should not be made. At the hearing before the Judiciary Committee in this session on this resolve no one appeared in favor of the change except its sponsor, the Senator from Waldo (Senator Fernald). There was some opposition voiced by members of the House and when we had heard everyone who wanted to speak we took a poll of those present in the room not members of the Committee, a group of people who were in there appearing in favor and in opposition to other measures which we were hearing that day, and twelve people voted against the resolve and only one in favor; so that there is absolutely no justification for the Judiciary Committee to bring in any other report than the one it did, which was nine opposed and one in favor, the nine in opposition to the resolve including the only Democratic member on the Committee.

I am not very much impressed either, with this constantly reiterated claim that fifty thousand dollars will be saved to the State by the passage of this resolve. The figures may be correct but on the other hand that fifty thousand dollars is so thinly spread over the State among the various cities and towns, according to the figures which the Senator from Waldo (Senator Fernald) has read to you that it makes no great hardship on any city or town and if the cities and towns did feel that the expenditure of the inconsiderable amount of money involved was a hardship on them I feel sure that they would be down here supporting this measure, and they never have been during the four sessions in which to my knowledge this matter has been before the Legislature.

If I had had the time and opportunity to prepare my remarks on this subject I could talk to you quite a long time about this matter of elections involving, as it does, stimulation of popular government, and I do not believe that the State of Maine suffers any by having the two elections every four years. On the other hand, I believe that if we

had more we could stand the expense. It would stimulate greater interest in government, get the people out more often to take an interest in public affairs and have our State affairs considered entirely independent of national matters, as we always have. The State would benefit by it.

Now, that is the whole situation as far as I am concerned and I hope that the motion of the Senator from Waldo (Senator Fernald) will not prevail.

Mr. ASHBY of Aroostook: Mr. President, I won't take up but a minute or two of your time. You know that I am very proud that I live in Maine because apparently Maine is the only State in the Union that is right. All the other states are wrong, and living in the State where our politicians are all right and the others are all wrong gives me a great feeling of pride. And while I thoroughly believe that Maine should fall in line with the other forty-seven states, why, of course I bow to the superior wisdom of the gentlemen who spoke in opposition to this measure. However, I shall vote in favor of the change.

Mr. HARMON of Hancock: Mr. President, I have always been proud to be a citizen of the State of Maine and when I am out of the State it is with pride that I claim residence in this State. I have not, from my constituency at home, received one request for a change in this election matter, not by letter, telegram, or in any other way. It has been my privilege to spend seven winters in Florida. I am not advertising that fact, but in Florida there are a great many people and I have heard great many favorable comments upon the fact that Maine holds its biennial election in September and "As Maine goes, so goes the Nation." If our September election were discontinued there would simply be another little item up in the corner of the papers stating how Maine went in the election. As long as Maine holds its election in September it is looked to and commented on by the Press all over this United States and I believe that the publicity which the State of Maine receives and the favorable comment looking to the State of Maine to point the way, far exceeds the small cost of these elections.

As I sat here I was thinking what the election in September means to

me personally. It undoubtedly costs a few cents in money, and a chance to go to the polls and vote. And it seems to me, through all these years in which Maine has held its September election without any demand from the electorate to make a change, that we should not at this time change this date.

Mr. FERNALD: Mr. President, there seems to be some confusion in the minds of some of our leaders here today. I would like to answer one or two of the arguments and to present, perhaps, some more specific information. It seems as though the distinguished floor leader from Hancock County likes applesauce. At least that is what he admits in the record, but I am inclined to think that the people of Maine, the poor people of Maine, also like applesauce and that fifty thousand dollars would buy a lot of applesauce for a lot of poor people. There are a lot of poor people in this State who are writing letters to me and to the Senators from Hancock County regarding old age pensions and it seems to me that fifty thousand dollars would provide a lot of old age pensions for a lot of deserving people who would just as soon have our biennial election in November as in September. It would take that feeling of hunger and of dependence upon others away from them. It seems to me that to those people the change would be worth while.

Now, of course, we understand that the Republican platform of 1932 never considered this proposition, and let me repeat from my past remarks: "Again let me repeat that this question has been many times before the Republican organization leaders in Maine and they attacked it in the same manner that they do most public questions, like the Bourbons of old, never forgetting anything and never learning anything, although it is hard to believe they will forget September, 1934." And it is the reactionary in the Republican Party who has put us where we are now, right in the mud. The people of the State of Maine want to vote for Republican leadership because it is traditional with them. You say that fifty thousand dollars does not mean anything if you spread it out all over the State of Maine, but this is the first fifty thousand dollars. If you attacked the next proposition to save fifty thousand dollars in the

same way and then the next one and the next one—if you attacked ten similar problems that are coming before you eventually in the same way, that is a half a million dollars which would provide an old age pension for everybody in Maine who needs one and deserves it.

You say there is no clamorous demand for this change. In Bar Harbor in Hancock County, the selectmen, in 1933, were in favor of it. It would save them ninety-nine dollars, which would take care of one pauper in Bar Harbor, at least for a month. In Southwest Harbor, the selectmen were in favor of it; it would save them sixty dollars. Down in the town of Castine it would save them fourteen dollars and they are in favor of it. In Portland it would save them two thousand dollars. And in the town of Winterport, where I am attorney for the town, they are always behind and have no money and have considerable trouble in paying their state tax.

Two years ago this proposition was before the House and was passed ninety-six to fifty by a Republican House of Representatives and the progressive Republicans voted for it. I see Charles Nelson over there. He had better get his "Young Turks" together. I think that what we want to do is to go before the people of Maine not with added taxes but to cut out some of these fifth wheels in our government and save that money and it would not hurt us to save it by changing the date of our September election to November or discarding some of the other frills that we have in our government.

I agree with the Senator from Hancock (Senator Blaisdell) when he says he wants everybody to vote according to the dictates of their heart and if you will divorce yourselves for the moment from your political involvement and place yourselves in line with your conscience and your God I have no doubt as to the outcome of the vote on this matter. Fifty thousand dollars will mean a lot to a lot of people in the State of Maine. Fifty thousand dollars will pay twenty-five per cent of the expenses of this Legislature. It costs two hundred thousand dollars to run this Legislature. We have been here over six weeks, more than a third of the session. Figure a third of two hundred thousand dollars and we have already spent

over sixty thousand dollars. and what have we done?

Now, gentlemen, let us be fair about this thing. The selectmen of Maine are as good a cross-section of our population as any group of people that any one of you could pick out. I sent those questionnaires out irrespective of party or politics. I don't know how any of them vote and don't care, but I sent those communications to them and I asked them on the backs of those cards if they favored having our state elections in November instead of September. I sent out five hundred of them and I think it is phenomenal, in sending out a questionnaire of that sort, to get over fifty per cent of them back, because I got two hundred and sixty-four back and two hundred and fifty-two of them were in favor of the proposition. And I have letters here that they wrote in regarding it. I could read them to you. The selectmen of Maine are a truly representative cross-section of Maine. They answered that question without any pressure and sent those cards back of their own free will and accord and that is the way they feel about it. I hope that my motion will prevail.

Mr. BURKETT: Mr. President, I am not going to continue this discussion very long. I may be reactionary and I may be a conservative. I don't know where the program of the Senator from Waldo (Senator Fernald), will lead us if we follow out all these suggestions he makes at this Legislature. I have some respect for the old institutions of this State. I think we have gotten along pretty well for the last hundred and fifteen or twenty years holding our biennial elections and electing our officers, county and state, as we have. The Senator from Waldo (Senator Fernald) in this session, in addition to the present proposition, has put in bills or resolves which would have the Attorney General appointed by the Governor, the Clerks of Court appointed by the Justices of the Supreme Court, and the Judges of Probate appointed by the Governor. He has other bills proposing amendments to the Constitution abolishing the Governor's Council, and so forth. Now, I believe that in times of stress like this when we have so many questions of education and taxation and other matters before us that we should be seriously con-

sidering our situation in this State and not confusing the minds of the people with arguments like this, attacking our governmental institutions. I think we had better leave such questions alone for awhile and leave the state government alone and put our time and attention on some of these important matters. Here is this resolve, for instance, proposing an amendment to the Constitution changing the date of the election of the Governor, Senators and Representatives. But it does include, for instance county officers who are being elected in September and you have still provisions in your Constitution fixing the date for voting on amendments to the Constitution and on initiative bills and a number of other things in September, which would have to be changed.

Mr. HARMON: The Senator from Waldo, Senator Fernald, called attention to the fact that it costs the town of Bar Harbor ninety dollars for our September election and I will say right here and now that it costs a fraction of a cent for every person in the town and I believe the town of Bar Harbor would uphold the spending of many times that amount if necessary.

Mr. FERNALD: Mr. President, the proposition before us today has been characterized by the Senator from Cumberland (Senator Burkett) as a radical proposition. If it is a radical proposition then we have forty-seven radical states in the Union and one conservative state. He has some misapprehension that in case this proposition should go through we would still elect our other officers in September, but let me recall to the gentleman the proceedings in the Senate yesterday at which time an emergency arose in regard to some trout down in Sebago Lake and we immediately, under unanimous consent, introduced a proposition to cover it.

Now, gentlemen, if you voted to pass this resolve this morning, the first of next week I would have a proposition to introduce under suspension of the rules to provide for a proper bill to be drawn, as would be necessary, so that the other officers would be elected along with the Governor and the legislators, because it would be too bad if some of these county officers should have to go out and spend a lot of money of their own campaigning for an

expense that could not be carried on by their own ticket.

There has been some confusion about the proposition that has been suggested by the Senator from Cumberland that it is a very radical measure. I will not go into it any further and confuse the issue still more but I will simply point out to him that the Clerks of Court in over thirty jurisdictions in the United States are appointed by the Court, and that ten per cent of our Clerks of Court including the Clerk of Cumberland County are in favor of this proposition; and when the matter is properly before the Judiciary Committee the proper information and the letters from the Clerks of Court will be presented. And as far as having the Judges of Probate appointed by the Governor, as a matter of fact the election of the Judges of Probate by the people today is an anomalous situation because even our Justices of the Peace as well as our Trial Justices are appointed by the Governor and the Judges of Probate are the only such officers in the whole State of Maine not appointed by the Governor. Of course, as far as the Attorney General is concerned I would leave it to any layman—we don't need to go to an attorney for that—whether or not if the Governor is to have a legal advisor he should be allowed to pick his own attorney. That is the custom in any business. These people here are just attempting to talk on something else to draw a red herring across the path. The issue is, do you want to save fifty thousand dollars for the people of Maine and not cut out from our governmental system one necessary state function? It is a perfectly safe, sound, sober proposition that has been adopted in forty-seven out of forty-eight states that have tried this archaic system and discarded it, and I think it is time that we should go and have some applause with some of the others.

The PRESIDENT: The Senator from Waldo, Senator Fernald, moves that when the vote is taken it be taken by the Yeas and Nays. As many as are in favor of the Yeas and Nays will rise.

A sufficient number having risen the Yeas and Nays were ordered.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Fernald, that the Minority Report of the Committee on Judiciary "Ought to Pass"

on Resolve proposing an amendment to the Constitution changing the date of the biennial election (S. P. 193) (L. D. 147) be accepted. Those who are in favor of the Minority Report, or that the bill ought to pass, will answer Yes as their names are called. Those opposed will answer No. The Secretary will call the roll.

The Secretary called the roll.

YEAS—Ashby, Bartlett, Billings, Bodge, Carll, Cowan, Fernald of Waldo, Goodwin, Jackson, Winn, Worster—11.

NAYS—Bissett, Blaisdell, Blanchard, Burkett of Cumberland, Burkett of Knox, Burns, Friend, Harmon, Hathaway, Hussey, Pillsbury, Pinansky, Schnurle, Thatcher, Tompkins—15.

ABSENT—Fernald of York, Haskell, Martin, McDonald, Potter—5.

Eleven having voted in the affirmative and fifteen in the negative the motion to accept the Minority Report did not prevail.

Thereupon, on motion by Mr. Burkett of Cumberland, the Majority Report "Ought Not to Pass" was accepted.

(Emergency Measure)

"Resolve Relative to Fishing in Sebago Lake." (S. P. 450)

Which resolve being an emergency measure, and having received the affirmative vote of 25 members of the Senate, was finally passed.

On motion by Mr. Tompkins of Aroostook,

Adjourned, until Tuesday morning, February 19, at eleven o'clock.