

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

**HOUSE**

Tuesday, April 15, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

**Senate Reports****Ought to Pass in New Draft**

From the Senate:

Report of the Committee on Judiciary on Bill "An Act relating to Cruelty to Animals" (S. P. 370) (L. D. 679) reporting same in a new draft (S. P. 552) (L. D. 1148) under same title and that it "Ought to pass"

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill was read twice and tomorrow assigned.

From the Senate:

Report of the Committee on Judiciary on Bill "An Act Creating and Establishing a Body Corporate and Politic to be Designated and known as the Maine State Office Building Authority" (S. P. 250) (L. D. 401) reporting same in a new draft (S. P. 553) (L. D. 1149) under same title and that it "Ought to pass"

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill was read twice and tomorrow assigned.

**Ought to Pass in New Draft—Amended**

From the Senate:

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1942 and June 30, 1943" (S. P. 139) (L. D. 196) reporting same in a new draft (S. P. 488) (L. D. 1014) under same title and that it "Ought to pass"

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended

by Senate Amendments "A" and "C."

In the House, Report was read and accepted in concurrence, and the Bill had its two several readings.

Senate Amendment "A" was read by the Clerk.

The SPEAKER: Under the Rules, the Bill will lie on the table awaiting the reproduction and distribution of Senate Amendment "A."

**Senate Divided Reports**

Majority Report of the Committee on Judiciary on Bill "An Act Creating a State Board of Eugenics" (S. P. 295) (L. D. 528) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Miss LAUGHLIN of Cumberland  
Messrs. FARRIS of Kennebec

—of the Senate,  
HINCKLEY of So. Portland  
GRUA of Livermore Falls  
WILLIAMS of Bethel  
PAYSON of Portland  
BRIGGS of Hampden  
MILLS of Farmington

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on the same Bill.

Report was signed by the following members:

Messrs. HARVEY of York

—of the Senate.

McGLAUFN of Portland  
—of the House.

Came from the Senate with the Minority Report accepted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill has already been debated rather extensively by this Legislature, and I think it is conceded that it has no chance of passing, and I think I can safely speak for the majority of the Committee on Judiciary when I say that they have no intention of wasting the time of the Legislature on a matter which has already been well debated and which they think will accomplish no good purposes. Therefore I move the acceptance of the minority report, "Ought not to pass."

The SPEAKER: The gentleman from Bethel, Mr. Williams, moves

that the House accept the minority report, "Ought not to pass." Is this the pleasure of the House?

The motion prevailed, and the minority report, "Ought not to pass," was accepted in concurrence.

#### Senate Divided Reports

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment" (S. P. 193) (L. D. 506)

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
HODGKINS of Hancock  
—of the Senate.  
PRATT of Turner  
HAMILTON of Hartland  
ROBIE of Auburn  
SMALL of E. Machias  
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 537) (L. D. 1095) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. BISHOP of Sagadahoc  
—of the Senate.  
Mrs. GRADY of Whitefield  
Miss DEERING of Bath  
Mr. WORTH of Stockton Springs  
—of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House:

The Chair recognizes the gentleman from Whitefield, Mrs. Grady.

Mrs. GRADY: Mr. Speaker and Members of the House: I move the acceptance of the minority report "Ought not to pass" and in support of my motion I will say that this bill is what has become known to the general public as the Teacher Tenure Bill. However, the actual title of the Bill is "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment." This title actually states the true purpose of the Maine Teachers' Association in having a bill of this sort presented to this 90th Legislature. This tenure idea is not new to the Maine Association.

It has been talked of for some twelve or more years but the idea finally crystallized about three years ago when the Representative As-

sembly of the organization voted to have a committee begin to look into the tenure laws of other states and report their findings. It was at about the same time that the idea of having a full-time Executive Secretary was mentioned.

Both ideas progressed to the point that the Executive Committee for the year 1940 was delegated to hire an Executive Secretary and Dr. Richard Barnes Kennan was elected unanimously for that position and the Legislative and Welfare Committees of the Association for 1940 were delegated to work out a form of tenure bill to be presented to this Legislature.

I wanted to go back this brief bit into the history of this thing, as I have gotten the impression in some instances that some people who have only recently heard of this tenure plan have been inclined to jump at the conclusion that the idea originated after Dr. Kennan came to our Association. As you can see, the plan was well on its way before we had any idea who would be our Executive Secretary, but I do want to add that because of his wide experience both in the states where there is tenure and also where there is not, that Dr. Kennan has proven himself to be a great asset to the Association in the recent stages of development.

I would like to read to you some of the facts that prompted the Association to work for a law of this sort.

I. A. Maine needs to make teaching a more attractive profession.

There was a New York Times article, March 30, 1941, which states:

1. Connecticut Faces Shortage of teachers.

2. Maine teachers are poorest paid in New England and in most cases this is not the fault of municipal officers but because of general economic conditions.

I would like to read the average of all salaries of teachers, principals and supervisors:

Massachusetts—\$2009. (3rd in U. S. A.)

Connecticut—\$1862. (5th in U. S. A.)

Rhode Island—\$1756. (6th in U. S. A.)

New Hampshire—\$1258. (21st in U. S. A.)

Vermont—\$952. (33rd in U. S. A.)

Maine—\$860. (38th in U. S. A.)

3. If Maine cannot prove its in-

terest in the welfare of its teachers, then in the cases of rural teachers \$500 or less would come nearer and when some have to wait indefinitely for their money, the higher salaries and lack of teachers in our neighbor states will cause a flow of our best teachers out of our schools.

B. Maine itself is facing a teacher shortage:

1. Normal school enrollment has dwindled.

a. Normal school graduates, 1929-1930 were 1224.

b. Normal school graduates, 1939-1940 were only 635.

2. The war situation and the draft are already taking many fine men teachers.

3. Many of the better high school students state that they are not interested in entering teaching because (1) the cost of preparation is high, (2) salaries paid are too low—less than stenographers, clerks and even household maids and "second girls" (in several cases, less than \$400 a year, and sometimes pay held up for months), (3) even after proper training and with a real interest in teaching, securing and holding teaching positions today depends too much on political and personal "pull" and too little on ability.

C. Maine has so far made no provision in this Legislature for improving its financial support for the common schools.

D. One sure way that this 90th Legislature can improve Maine schools by attracting better people to prepare to teach, by holding on to the better teachers and inducing them to remain in Maine, is to assure the teachers by passage of a tenure law, that it is willing for them to be given a fair deal, that it is ready to relinquish political control of the public service that is recognized as one of the most important duties of a democracy (the education of its citizens) and that it is sincere in its relief that the securing and holding of teaching positions should be based on merit—on ability—on true professional worth rather than on political and personal favor! (Supt. Hull spoke of losing 20 teachers in one year to Connecticut and Massachusetts from one district. Many teachers prefer Maine because they love the State and its people, but must accept the call to greater security and higher salaries!)

II. Maine should recognize the

importance of education because:  
A. Most important public servants have been placed under civil service

1. Policemen, firemen, postmen, etc.

2. Even street cleaners and garbage men in some municipalities.

B. The proposed tenure law is a mild, modified form of Civil Service, nowhere near as stringent as the protection given Post Office employees or even the protection given laborers by the unions.

C. If education is truly "the most important function of a democracy" and our "first line of defense," then it certainly should be removed from the dangers of the "spoils system" and freed as far as possible from political, personal, selfish control.

D. The arguments used by the opponents of teacher tenure are the identical arguments used by opponents of Civil Service years ago—it was argued then that Civil Service employees would not work if they were protected by tenure. If Civil Service has failed, then why is its advancement an important cry of both major parties today—and particularly the Republican party? If we believe it has been successful for other public servants, why should we deny some of its benefits for our teachers?

III. Maine should recognize the will of its enlightened citizenry because:

A. Only a portion of the 1600 school board members are opposed to the bill—several school board members spoke strongly in favor of the bill at the hearing.

B. There is a great force of people in favor of teacher tenure—over 90 per cent of the 6300 school teachers (outnumbering the board members 4 to 1) as well as the four Presidents of Maine colleges; the Executive Committees of the Maine Congress of Parents and Teachers, and of the State American Legion; the Maine State Grange; numerous local P. T. A.'s., women's clubs, and other organizations throughout the State; and in many cases where the little school board in a town is opposing tenure, large parent and citizen groups, as well as the teachers, are supporting tenure for teachers.

IV. The opponents of the bill base their arguments on possibilities; the proponents argue on the basis of proved facts:

A. Opponents at hearing drew "red herrings" across path:

1. Might involve many hearings.
2. Might be difficult to get rid of poor teachers.
3. Teachers might "lie down" on their jobs.

B. According to the National Reporter System for 1939, in the State of California, with more than 10 times as many teachers as there are in Maine, there were 6 court hearings in 1938 and 4 in 1939. On that basis we should expect about 1 court hearing every 2 years in Maine. (It is interesting to note that 6 cases were decided in favor of teachers and 4 in favor of school boards, indicating that injustice might have been done the teacher in six cases, if she had not had the right of appeal, but the school board action was upheld in 4 cases where they had legitimate cause for dismissal.)

2. School board members in other states have not found that tenure restricts their service, but rather frees them for more complete service to the general welfare of the schools. Under the law, the main effect is to force certain school boards to act in good faith. In the case of *Ruger vs. Knight* in Colorado, March, 1939, the court established the principle that "when the school board's action conforms to procedure required by law in dismissing a teacher, the court will not interfere with the board's action in the absence of gross abuse of discretion." And in the case of *Horsko vs. School District of Mount Pleasant*, in Pennsylvania, in June, 1939, the courts established the principle that "school boards may interpret incompetency and immorality in broad terms." Surely, with these rulings, no sincere school board should have any great difficulty in ridding its school system of a poor teacher at any time.

3. In 1939 a national investigating committee reported that "teachers in tenure states are more adequately trained than in non-tenure states." In 1940 another national committee found that "elementary teachers in tenure states have acquired proportionately more college degrees since entering teaching than have elementary teachers in any other group of states. The least achievement was reported by elementary teachers from annual contract states" such as Maine. What

better proof can be given that teachers under tenure are at least as active in professional advancement as are teachers under annual contract pressure? Further, it should be noted under Section 4, Part 6, that school boards may require teachers to attend summer school, pass work in extension courses, participate in professional reading circles, etc., as "reasonable rules" for professional advancement of the faculty.

V. All principal objections to the bill have been given thoughtful consideration by the representatives of the teachers and practically all have been eliminated from the Committee redraft.

A. Objection 1 — "The bill is too long and complicated." It has been shortened from 51 to 15 sections.

B. Objection 2 — "The bill is poorly drawn." The bill has been redrafted to conform to Maine statutory procedure.

C. Objection 3 — "Superintendents should not be included under tenure." Superintendents are no longer included in the redraft.

D. Objection 4 — "The tenure commission represents neither all the citizens nor all the teachers of Maine." The tenure commission has been eliminated and appeal is directly to the courts in the new draft.

E. Objection 5 — "We have poor teachers in our one-room schools and can't afford better ones at present." The new draft gives school committees the option of placing teachers of one-room schools on tenure or giving them three to five year contracts at the expiration of their probationary period of three years.

The question has been raised, "Why should this bill be so much longer than the tenure law in Massachusetts?" The fundamental or basic parts of this law would take up no more space than the Massachusetts law but there is added to this law the legal machinery for administration so that there can be no misinterpretations of procedure. This legal machinery is lacking in the Massachusetts law and therefore because of its loose construction the teachers are at the mercy of the different lawyers, different interpretations of administering the law. Thus the set-up of this law leaves no question in the minds of the lawyers as to what procedure is necessary.

Now, I realize that I have taken up considerable time, but I did feel that you all should know these facts which I have outlined to you.

It is because of these facts that the Maine Teachers' Association have asked for this legislation. We do not feel that we are asking for anything unreasonable—we simply want some measure of protection and we do know that this type of legislation has helped to raise standards of education in other states.

Teaching is considered as a profession, not as an industry, and yet isn't it the only profession on an employer-employee basis? Doctors get their patients because of their skill and ability—so do lawyers get their clients in the same way. I suppose the ministry is somewhat on an employer-employee basis because ministers move from one parish to another upon call or invitation, yet their associations have set up certain standards, etc.

It seems rather sad that ministers and teachers have to be either directly or indirectly at the mercy of possible (and note, I say possible) unscrupulous employers.

Now in closing I would like to add a personal note. As far as I am concerned myself, this bill will probably have no effect upon me personally, as I am apt to give up active teaching within a year or two, but I am very sincere in my efforts to help this legislation along because I think it is a step to a higher educational level in this State—and remember that progress only comes out of change and a certain amount of risk.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Whitefield, Mrs. Grady, that the House accept the minority report "Ought to pass in new draft".

The Chair recognizes the gentleman from Turner, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I sincerely hope that the motion of the lady from Whitefield, Mrs. Grady, will not prevail, and I will state my reason very briefly.

Two years ago I was on the Committee on Education and we gave quite a lot of consideration to the tenure bill presented before that committee. It was finally decided that when they introduced the tenure bill at that time that they were trying to start an opening wedge, so

we passed a bill in this Legislature giving towns permission to hire teachers on a five-year contract if they so desired. There was one town in the State of Maine that was hiring their teachers on a five-year contract at that time. We made that law so they could do it and any other town could do it if they so desired. To this day I know of no town in the State of Maine that has ever taken advantage of that. Now they come in here again this year with a bill asking for teacher tenure just the same. They tell you that they have left out the small schools, but it is an opening wedge. Eventually they are going to ask to have it in the small schools. They are surely going to come in and ask for that.

There is another clause in this bill which reads:

"The Commissioner of Education shall have the power to determine the minimum percentage of teachers to be on indefinite tenure at a future date fixed at the commissioner's discretion where he feels such a determination is for the interests of the public schools.

"However in municipalities employing more than 5 teachers, the commissioner may not prescribe a percentage in excess of 80%."

If you do not want tenure in your town and do not want to hire teachers that way, the Commissioner of Education can tell you that you have got to have them up to eighty per cent. If you want that, vote for the bill. I do not think you want it.

I have had a number of teachers approach me in regard to teacher tenure wanting me to vote for it, and I have had a lot of letters in opposition. Every teacher who has asked me to vote for teacher tenure, I have asked her, "Why do you want teacher tenure? Did you ever have trouble in getting a job?" Everyone made this answer: "No; I am a good teacher."

I am not here to work for the poor teachers, and I do not think we should protect the poor teachers. If you have a good teacher, she has no trouble getting a job, and if she does not get one in her own town she knows she will get one somewhere else.

They tell you that they have taken politics out of it. Perhaps they have. This says that a teacher shall serve a year of probation and

then she is up for teacher tenure. I do not think there is any gentleman here, if you were on the school board and you had some of your friends you wanted to put on as teachers, you could get elected to the school board and put your friends on teacher tenure after they have been on that time. I still maintain that politics could be played under this bill. I sincerely hope that the motion of the gentlewoman from Whitefield, Mrs. Grady does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the 90th Legislature: I talked on this measure before the Committee and I have heard arguments as I said, on all bills, for and against, and I am wondering if we have any right to oppose a measure of this kind that is going to be beneficial to our teachers, and principally, to our children.

My children are grown up. I have not any young ones. But I think the children of today are entitled to an education that will get them somewhere.

We are living in times that are hard for the parents, and, if they are hard for the parents, what is going to happen to the children? If they do not have at least a normal education, they will have to go on relief, as a lot of their parents are doing now.

I do not know as we all understand this tenure bill, but I think that, in plain English, it just gives to our teachers—who, I am sure we all agree—are entitled to cooperation—a chance to stand together and pull together.

No one opposes the C. I. O. or labor union. Then I would say, well, that it is just a chance to give the teachers an opportunity to protect themselves—just as is given to others.

I have a document here that gives a few reasons for the major aims of tenure, which I would like to read. In one of these aims, one point stands out to me very large, and that is: "It aims to give children more efficient schools by virtue of helping the teaching staff to become more stable, more masterful in teaching, and more devoted to the cause of the schools and the profession."

Tenure legislation aims to give

the public more efficient schools, through having teacher dismissal based upon legal, orderly procedure and valid causes.

I do not know how many were in here the other afternoon, during the Committee hearing. The only way I can illustrate the point that I want to make is by telling you about what went on regarding one of the opponents to this bill. I will not call any names, because I do not know the gentleman's name, but evidently he was here to have his way. Evidently, at home, he was an ordinary citizen at one time, but, due to some reason or other, he was bound to get upon the School Board.

He came down here in opposition to this measure, and he made statements which are on record, and had put them in the papers. He stated that if any of his teachers voted for this measure, or were in favor of this measure, he would fire them as soon as he got back home.

The first of his arguments were good. I thought he was going to be a nice speaker, even if he were in opposition to the measure. After he had finished his remarks—I sat where I am now—and I noticed that he was in quite a hurry to get out. I did not think anything about that but, when he got half way up the aisle, one lady on the committee asked him a question. She asked him if he had made any remarks disparagingly to teachers who might be in favor of this bill, the night before, among a few legislators or friends. He said, "Yes." Well, before he got through, if that one particular man had been the only opponent, and I were on a jury that was trying that case, I would have found the prisoner—although I knew him to be guilty—innocent.

I am wondering if that man has arrived in his home town yet, because, if I had been he, I would have traveled the by-ways and roadways for a long time before I arrived back home.

As I understand it, one of the aims in this measure is to take care of a situation such as that. It aims to give teachers a legal basis of fair play and democratic justice, and to bring to the teaching profession a comparable security provided other efficient public servants.

Other reasons for teacher tenure are, first, to promote the welfare of the schools and the children by curbing the political, partisan, and



selfish group domination that has been known to prevail in the dismissal and employment of teachers. That is another argument in favor of this bill. It is going to protect competent teachers from unjust dismissal,—that is another reason that it should appeal to those people who believe in fair play.

It offers teaching conditions encouraging growth in practice and improved preparation for the profession.

It protects teachers as an important group of public employees.

It encourages competent teachers to enter and to remain in the profession in our State.

I will just give you one or two illustrations of unfair dismissal, which will be eliminated also. Many cases of failure to reemploy good teachers without valid reason occur.

I will quote: "Board members become so bold as to say that teachers are dropped at the end of the year for such reasons as these:

'Too old' (but not old enough to get a pension!)

'To give local girls the preference.'

'Just for the sake of a change!'

'Eought an automobile out of town'

(A teacher might have bought an automobile out of the town, even though the kind she wished to purchase was not sold locally.)

'To make room for a daughter of a board member.'

'Because the superintendent said the teachers dropped did not seem sufficiently cooperative' (even though the superintendent later said the work of the teachers dropped was thorough but that they objected to some 'extra experimental work' needed by him for an advanced degree thesis.)"

For these, and other reasons, so far fetched as to say "Our teacher did not attend summer school." A lot of teachers cannot afford to go to summer school, because the pay is so small. By helping the teachers in this particular measure, it will help to put them upon a standard to which they are entitled.

I am sure the Members of this Legislature are going to support this measure, if for no other reason than to see that the children are given sharp tools to work with, that they may go out into the world without any handicap.

I hope that the motion of the gentlewoman from Whitefield, Mrs. Grady, prevails.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: First of all let me state that I am not a teacher. You can verify that statement by asking almost any teacher if a Director of Physical Education is a teacher,—and you will soon get your answer.

It is too bad that this bill has settled down to more or less of a quarrel, apparently between the school boards and the teachers. That is not what it should be.

Your schools are for your children. They are the place where your children are developed for life. You hire a person to have control of your child, from early morning until late afternoon.

I wonder if many of you realize that from the time that child steps from his or her door to go to school, and until he or she returns at night, that child is in the hands of the school teacher?

The school teacher is directly responsible for the child, to and from school, as well as in school.

The teacher should be of the highest type of character you can possibly find.

Your poor teacher needs no protection. She has ways of protecting herself. But your good teacher does need protection. I can safely say that I know that tenure would lift up your whole school program. It would help your schools; it would help your children.

For one thing, if you are renting a room, you do not care particularly what the room looks like, because you are going out of it at a certain period of time. But, if you have a lease on a room, or on a home, and you know you are going to stay there for a period of time, you watch out for little, tiny things regarding the whole appearance of it.

The appearance of a school room has a great deal to do with the impressions created in your children, along with the teacher.

Now, this bill for higher standards for the teaching profession, will give you folks—and the parents, and the taxpayers—a better chance of deciding who will be in control of your children. It gives you the power to more or less pick out that teacher.

You can tell, by the reactions of

your children, just what type of teacher is in that school.

Remember, when you become conscious of a certain detail pertaining to the school or the teacher, nine times out of ten that child was one week ahead of you on that same thing.

You can tell, the minute you walk into a school where your child is, what type of education and moral teaching that child is receiving.

A school board gets added protection from this measure, in that you will feel more free to speak to the School Board members, in trying to influence them to keep a teacher that you think is good, or replacing one that you do not think quite as good.

Your teachers now put in four years training. They used to put in two years; they used to put in three years; and now they are taking four for their training.

If a teacher knows she will have a job and a place,—as soon as she is up to par,—and she has some definite salary to look forward to,—she will feel more like going to the refresher course in the summer. She will feel more like being up to the latest standards of teaching. Those things are very, very important.

When deciding this issue, I wish that you would please stop and think that a few weeks ago all of us knew very little about the cases of Referees and Judges. We were more or less amazed to find certain conditions.

It is the same in our work. I know very little about your profession. You know very little about my profession. The teachers are struggling as hard as they can to make themselves the very best that they can.

The teachers have asked for this opportunity. They are willing to live up to their part.

Please, when you vote on this, stop and think which will be the best in the future for you and your children.

Mr. Speaker, I hope that when the vote is taken, it will be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker and Members of the 90th Legislature: I hesitate to get up and speak against this measure, but I feel that I should, because you have heard

some very convincing arguments for the measure. At the same time, it is for reasons I believe are just as sound, that I vote against it.

I do not want to be misquoted. I do not want to be misunderstood. It is entirely for the benefit of the children that I am speaking against this matter, and I feel that I am right.

Now, one of the reasons that I feel that this measure should not pass is because it is very unfair to our children. It is unfair to our children because, in the first place, I believe it protects the poorer class of teachers, and not the better class of teachers.

I believe that the better class of teachers are amply protected through their efficiency. After the poorer teacher is placed on tenure, in five, ten or fifteen years, is she going to improve, or is she going to gradually, perhaps, decline in her efficiency?

The better teachers will maintain their positions through their efficiency. They will receive more money through their efficiency. They will be able to change their positions oftener, and better their positions, all the time.

It may be that school boards are unfair. But I am wondering if it is going to be a question of being more unfair to the teacher or being more unfair to the children, if those poorer teachers are placed on tenure.

Of course, after all, as the gentleman from Turner, Mr. Pratt, has said, the Commissioner of Education is going to say whether you have your teachers on tenure, and after a certain number of years whether you want them or not.

I wonder if he is best able to be the judge of who should be on tenure down in our small towns. It is the school board themselves—those who are interested in that town.

Now, I believe that it only protects the poorer teacher. The better ones do not need any protection.

In fact, one of the best teachers that I have ever had the pleasure to know—who is teaching at present in my town—said that she herself did not want to be placed on tenure. She did not wish to stay in one school, because she did not believe her efficiency would be as good in the years to come. She had

got to have the freedom of moving from one school to another. She said that she thought she would be a better teacher from doing that.

I have not been lobbied by teachers. I have not been lobbied by the pressure groups, which they believe are sponsoring this bill or certain interests.

I have just made up my mind, through many conclusions which I have drawn, from hearing it discussed at the time this bill was before the committee. I did not feel it was right then, and I do not feel it is right now.

I feel that it is very unfair to our people, to say that teachers have been discriminated against by the school boards. Because, after all, you know, if you have lived in a small town, you know that it is the most thankless job of any position you can take. They are always criticized for what they do, or whatever action they take, not only in regard to the teachers but other matters that come before the school board. It is a very thankless job. I think, on the whole, that they do a very good job. There may be injustices, ladies and gentlemen, but are those injustices as great as they would be to our students growing up, if we pass this bill to put teachers on tenure?

The third reason is that it is unfair to the more efficient teachers to have to take the responsibility of placing the poorer teachers on tenure.

I believe that the better teachers certainly have got to take the initiative, and have got to establish standards for those schools. I believe it is very unfair, because the better teachers would be penalized. Their rates of pay would be held down, and they would not be able to receive as good pay as they ought to, on their merit alone.

I want to cite just one example of a principal in a secondary school of this state, who, for twenty-two years, has held the position as principal of that secondary school. That school has grown from something like fifty or sixty pupils to around one hundred and eighty today, and is recognized throughout the State as one of the outstanding preparatory schools in the State of Maine. Not only do they send pupils there from all over the State, but from other New England states. That principal, twenty years ago, accept-

ed a one-year contract. He told me this last year that many times he had been asked to take a five-year or even ten-year contract, and his reply had been, invariably, to the directors of that school that, if he were not efficient enough during his year of work,—if his efficiency were not enough of a yard-stick to measure his efficiency for the next year, they had better hire somebody that would be more efficient. Therefore, his position has been held.

He has maintained the school and built up that school to a degree that it is, through taking a one-year contract after another. He has been hired back year after year.

I think that is one argument that is pretty conclusive that the merit that a teacher will get will be on her own merit. Her own efficiency will hold her position. I think that will be for the better standards of our educational system throughout the State of Maine as a whole.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: I am glad of an opportunity to be able to support this bill.

I think it is a very fine one. It has been a bill which has been proposed in this House a lot of times and has been most carefully investigated.

It is now for this House to determine whether this shall become a law.

There is not anything which the State undertakes to do that, maybe, is so important as education. I think, on the whole, the states are doing that work splendidly but it ought to be done better.

Over twenty years ago, the Russell Sage Foundation, in New York, met and made a thorough survey of educational systems throughout the country, and then ranked them, from Number One down to Number Forty-eight—on the condition of the salaries paid, the students, the teachers, the buildings, the grounds, and so forth and so forth.

The state that was put first was the State of Washington, California was second, and Massachusetts was third.

Ladies and Gentlemen, I think that just two or three years ago a similar survey was made by another organization, entirely independent of the Russell Sage Foundation. It

was a survey of the intelligence of the adult population, to determine the relative intelligence in the forty-eight states. And Washington was first, California was second, and Massachusetts was third.

Now, that is very significant, I think of the value of education—of the significance of it, on the work that is done in our states. It is further significant that we find that Massachusetts pays the third largest salaries in the United States.

Now, I am in favor of this bill because I think that it is a democratic measure. I think it is becoming more and more established that you cannot have political democracy, unless you have democracy in other lines, unless the institutions of this country are democratic. You cannot have political democracy unless you have an economic democracy.

So I say in our schools we teach democracy. That is, without doubt, the most important thing that is taught in the schools,—democracy. That is dinned into the ears and minds of the children all the time. As one person states, if we do not have tenure, we do not have democracy.

This is simply a bill for democracy. There is no other single class, so large and so important in our country, that is not protected by what we call tenure.

If you belong to a labor union, after twenty-four hours you are on tenure. Some have likened this measure somewhat to a labor union. I think that is not a good comparison. I think it is better to say that we put the teachers upon civil service. Now, we all believe in civil service. It has been in force for over half a century. It started especially under the administration of Grover Cleveland.

And at the present time in our Federal affairs the Republicans are very strong for civil service.

This is simply an effort to put the teachers under civil service. They have not the same kind of protection. They have not the same kind of security.

Teachers, like the rest of us, have had great losses in the last ten years. Some of them, today, if they had their savings, would be in comfortable circumstances, but they have lost most of what they saved.

They need some security. These

young people, who have been well educated and have spent a considerable amount of money in their education, it seems to me it is quite a monstrous thing that they should be pushed around as they are.

The fact has been referred to here that there is more or less friction between the school boards and the teachers. That is very unfortunate. I think it must be due to some abnormal condition. That abnormality may be due to the fact that after one year a teacher may be put out.

It seems to me that this bill furnishes a remedy for that condition.

I think that under our present condition in Maine it cannot be said that the teacher has professional standing. The teacher really does not have professional standing, if he or she can be turned out at the end of any year.

The design of this bill is to give one professional standing. By professional standing, I mean some superiority, in scholarship or in ethics of this profession. They cannot have this value until we have something like the teacher tenure.

Teacher tenure is not a new thing. Sixty per cent of the teachers of the country are in some way upon teacher tenure, — forty per cent directly by state law, and the other twenty per cent in various cities.

For example, in Illinois, the City of Chicago, which is about one-half of the population of the State, has teacher tenure.

I have heard, from those who are opposed to this measure, that it would work very well in cities, but that it would not work at all in the small places. But, within the last twenty-four hours, two men have said to me that it would work very well in the small places but that it would not work well in the larger cities at all. As a matter of fact, it has done well in both.

We have all these apparently insuperable objections presented here. They are in line with most objections heard in all hearings. We are told that you cannot do this or that, you cannot do that or that, you cannot do something else—but it is being done all the time.

So we find that school superintendents, on the whole, voted 70 per cent in favor of this measure. And in cases where there is teacher tenure, the superintendents have voted for it 94 per cent. I do not

know of anybody who is so good a judge of this sort of thing as the superintendent.

A recent investigation showed that in states where there is teacher tenure, the teachers are on a higher basis of education and scholarship. They have more degrees, — Bachelor's Degrees, and graduate degrees.

It has been objected that this is a teacher's measure. In a sense it is, but why not? Who determines the ethics and general rules that govern the professions—and the men and women in those professions?

Do not lawyers determine for the most part the rules of their profession? That is true in the medical profession. It is true in the profession to which I have the honor to belong. It is true of the engineers' profession. Why should not the teachers have something to say about their profession?

There are no people in the State of Maine who are so much concerned that we have good schools and good teachers, as the teachers themselves.

It seems to be that that objection, therefore, has very little weight.

In a hospital, the most important person is not the doctor or the interne or the nurse—but the patient.

In schools the most important person is not the school board, or the teacher or the superintendent—but the pupil.

Now, I simply ask this: If you have children to send to school, would you prefer to have the children go to school where the teacher, no matter what her qualifications or record, simply can be fired at the end of the year, without any legal recourse whatever,—or would you rather have your children go to schools where this well tested plan is in force?

It is sometimes said that it is difficult, under this measure, to get rid of poor teachers. I think not. The bill provides very specifically for orderly methods of getting rid of teachers who, for one reason or another, ought to be retired.

I venture to repeat the reasons that may be given for dismissing a teacher:

1. Immoral character or conduct unbecoming a teacher.
2. Physical or mental disability.
3. Incompetency or inefficiency.
4. Neglect of duty.
5. Discontinuance of service due

to economy, lack of pupils or funds.

6. Willful refusal to obey the school laws of this State, or the reasonable and lawful rules of the school committee. Every one of them is a good reason for dismissing a teacher. But, if a teacher cannot be dismissed on any of those grounds, why should a teacher be dismissed at all? It is my contention that she should not—that she should have some recourse, some remedy.

We are told, sometimes, that if the teacher feels she has security, that she has tenure, that she will become careless. In other words, that the psychology of fear is sometimes salutary.

That is an out-moded idea in this part of the world. There are countries where the psychology of fear is considered to be the best thing, but we do not believe it. We believe that this feeling of security—this professional standing, will give every incentive to the teacher to do better work, and fit herself for better work.

I have here a clipping which I think puts the matter very succinctly and very well. Here is a statement by the Superintendent of a school in Michigan. This Superintendent of Schools in Ann Arbor says:

“While the Ann Arbor teachers for years actually have had tenure, yet its legal adoption has had a steady, stabilizing effect upon them. There is an improved attitude. It has furnished a spark. Teachers in this system have become more professional, and, in my opinion, have never made such an effort to live up to the ideals of service which characterized the best thinking in the profession, as they are making at the present time.”

I venture to refer to the matter of the authority of the school board over the teachers. It is human not to like to part with that authority. I am afraid that some school board members fear that that is the case.

But why should a member of a school board want to exercise authority like this—an authority that we have at the present time—the authority and power to simply put a teacher out without any legal recourse and without any reason?

It seems to me that is a thing that is not very democratic, or very American. What about that?

Who are those who support this

teacher tenure matter? First of all, the Superintendents. The Superintendents do not figure in this bill here. They are outside of it entirely. Yet, as I said, they are overwhelmingly for it. Also, the teachers are for it. That may seem to some to be an argument against it, but it seems to me that it is an argument for it. If their opinion of this matter is not of value, then they ought not to be teaching the children in the State of Maine. The men who are authorities are for it,—men like John Dewey, one of the foremost authorities on pedagogy in the world, for the last thirty years—you cannot imagine men like John Dewey being opposed to it.

I think it is quite significant that our four College Presidents in this State are strongly for it and have made very fine statements in favor of this measure.

Take, for example, one of those four—the President of Colby College, Franklin Johnson, one of the greatest authorities in the United States upon matters that are educational, with a very wide reputation, a reputation more than national. He has no axe to grind. He has no special personal interest in this matter; yet he is strongly for it.

So, it seems to me, that is a powerful argument for this measure,—that those who are in the best position to know, are for it.

It is quite significant that in the hearing, and this morning the opponents of this bill have not quoted from those who speak with real authority upon matters pedagogical.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, may I face the House?

The SPEAKER: The gentleman may have that privilege.

Miss BANGS: Mr. Speaker and Fellow Members of this House: I am "in the swim" again, and, at this time, it happens to be a bill that I have been interested in through the Legislature.

But I am only going to take a minute, because I feel that the gentleman from Whitefield, Mrs. Grady, has very ably covered the provisions of the new draft.

I do want to answer the objections of the gentleman from Bradford, Mr. Osgood, in that I feel that

there have been only two major objections new to this bill.

That is, that some school boards feel—or some school board members seem to feel—that they are going to have their wings clipped, so to speak. The other objection is that they are afraid that the teachers will lie down on their jobs, once they have teacher tenure.

To both of these points of opposition, I would simply like to make a personal observation. My observation is that this will be a challenge to all people who will be affected by teacher tenure. In the first place, the Superintendents will be challenged to continually hire only those teachers that he is convinced are the teachers for their jobs. They will not want to take any chances on being obliged later to subject themselves to the embarrassment of putting a teacher through the stages of dismissal. They will want to continually insure themselves that they are getting the very best. They will not want to put a teacher on tenure until they are sure that they have the best in teaching.

Now, in the second place, the school boards will be continually under the same challenge. They will know that they must be sure that these teachers can best fit the needs of teaching in their particular schools. I do not think any school board member should be afraid to be challenged by such a proposition as this. Those school board members who do oppose this sort of thing, in my estimation, would want to give themselves the leeway of allowing politics and religion and such to enter into it. And, believe me, I do know of instances where there has been monkey business on school boards. In the second place, it is going to continually challenge a teacher. A teacher has got to know. She has got to give the very best of herself in order to continue on her job.

In the first place, she will have to give the best she has during the probationary period. In the second place, he—or she—once they are on the tenure, will have to give their very best, or else they will be later subject to hiring and dismissal. They know that the school boards and superintendents have the same rights of dismissal as they always have.

I think that this is a protection

for our youngsters, and that it is a protection for our teachers.

I, personally, sincerely hope that the Legislature will pass this measure.

I, accordingly, hope that the motion of the gentlewoman from Whitefield, Mrs. Grady, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Parkman, Mr. McKusick:

Mr. McKUSICK: Mr. Speaker, I am sorry to hear so many references made to the school board. I must plead guilty to being a member of the school board in a little town; I have also been a rural school teacher, I have been an academy instructor, and superintendent, and I am now a member of the school board in a little town and have been for a good many years, and I am drawing the princely salary of eight dollars a year. (Laughter)

Now you cannot sprout a very great amount of wings on eight dollars a year.

Besides that, I am a parent. I have had five children of my own go through the schools, and I feel that I am in a position to judge from as many angles this question as anybody here present. I also want to say that if any movement is made to increase the salaries of the teachers of the State of Maine you will find me solidly behind it.

There is another point I want to mention in regard to something that the last speaker mentioned. This has come out of my own experience. At the time of the World War there was an acute shortage of teachers. I was the local superintendent in our little town, and I found it was absolutely impossible sometimes to get a teacher of any kind to open the school on time, and the school would have to wait a week or two before I could find a teacher.

Now there is a shortage of teachers developing at the present time. The superintendent tells me that they are finding increasing difficulty. If that is the situation, we will be obliged to put into our schools, especially our smaller schools, a considerable number of teachers that are of inferior quality.

Now will it be for the best interest of the State or any community to keep those teachers in the schools and put them on teacher tenure? I question it.

Now I want to speak about the

bill itself. As you know, the bill has been rewritten and some of the objections have been removed. But I feel there are serious objections here, and I want to speak just briefly in regard to them.

Along this line, I wish to call your attention to the fact that the law at the present time favors the teacher. You read your papers and you will see very frequently where a teacher has been awarded damages because her contract is cancelled in the middle of the year. Did you ever see a case where the town was awarded damages because a teacher jumped her contract in the middle of the year? Therefore, I say that the law favors the teacher at the present time.

It speaks about the one-room teachers not being on tenure. At the bottom of Section 2 it says that teachers in one-room schools shall be upon three to five-year contracts.

As I read that, if a teacher in a rural school has finished her probationary period the school board may do one or two things, either grant them a three to five year contract or put them on indefinite tenure. I do not see they are entirely out of indefinite tenure.

Another thing: This indefinite tenure is manifestly unfair because it is onesided. The teacher is put on indefinite tenure. You will find in this bill a clause which says that the school board "shall" accept the resignation of the teacher. That is the teacher can leave almost any time; the period of notice is very short; but if the teacher is on indefinite tenure the school board must keep her.

It is a blow at local self-government. A teacher's teaching life runs up to sixty-five years. Suppose that teacher began to teach somewhere in the period of from twenty to twenty-five years of age, her teaching life is forty years. Now do any of you believe that we should pass a law providing that a teacher who is in service now and has completed three years, shall be in active service, by necessity and not by choice, in a town forty years from now? There is another generation of people coming in. It is not the same generation at all, and I do not think we have the right to inflict upon them our choice of teachers.

In regard to this clause regarding

the causes for which teachers may be dismissed: Some towns have seen fit to pass ordinances or schoolboard regulations whereby married teachers shall not be hired. I have no quarrel with that or no quarrel with the married teachers. Personally, my choice would be the best teacher, whether married or single; but I believe the town has a right to decide that matter for themselves.

There might be cases of unemployment where there are plenty of young, unmarried teachers, and it is manifestly unjust to hire a married woman whose husband is drawing a good salary and exclude the young, unmarried teacher.

There is another provision in this law. You will note that this is "An Act to Provide Higher Standards of Education." This law provides that where several teachers are hired in the same class of employment that for reasons of economy or decrease in the number of pupils, one of the teachers may be dismissed. Who is dispensed with? The teacher that is last hired. It is not the poorer teacher. It may be the best teacher. But the teachers that are kept are the teachers that have been there the longest.

It also provides in case of reinstatement a teacher can drive out of her position a probationary teacher. It also provides that if a teacher is sick and absent for two years and a young teacher is put in she can come back and demand her position.

Those are a few of the things which I object to in that bill. I do not object to it because I am a school board member, but I do object to it because I do not believe it is for the best interests of our schools and our pupils.

The main point in the whole thing I think is summed up in this: A good many years ago we had a system of bondmen, where the servant was bound to the employer, through debt perhaps or petty crime or for some reason he was bound to the employer and he was practically a slave. From that we advanced to a system of free contracts where the employee and employer got together and made an agreement for a certain short period of time. At the expiration of that time the agreement could be renewed or allowed to lapse. We have come to believe that is a good thing.

Now are we prepared to go to the

other extreme and bind the employer and make the employer a slave? That is what some of our labor unions are asking for. I do not believe we are ready for that. I believe this bill is a step in that direction, in which the municipality is the employer and the teacher the employee. I do not believe we are ready for that. I hope that the motion of the lady from Whitefield, Mrs. Grady, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker and Members of the House: I do not wish to enter into any discussion of this measure, because it has been discussed pro and con until, I think, every member of this House is entirely familiar with its provisions.

I have been asked by every school committee of every town and plantation which I represent to oppose this measure. They feel that it is a measure which makes it expensive for the small towns as well as the large towns, in the discharge of their teachers. I think particularly on that ground are their objections to this measure.

I am a member of perhaps one of the most peculiar school teachers' associations in the State of Maine. I was one of a family of sixteen children born in the little town of Starks. My mother used to card the wool and spin the yarn and weave the cloth and knit mittens and union suits which the children wore to school. In addition to that, she boarded the teacher the required proportionate time, which was the custom of school districts in those early days.

We did not have the methods of transporting the scholars to school which you have today. No horsepower truck pulled up to the door to take the scholars to school on rainy or stormy days, but my father used to take an ox sled and take the children to school on stormy days.

From those humble circumstances my family sent out nine school teachers. They taught school all the way down from Caribou, Presque Isle, Fort Fairfield to Augusta and in many of the small towns in the State of Maine, and two teachers from that family served in Connecticut and Massachusetts and retired when they had reached the age limit.



I feel that at no period of time during their teaching in the State of Maine were any of them unfairly or unjustly discharged, or discharged at all. It would seem to me that they were able to teach without a teacher tenure bill. In Massachusetts and Connecticut those who taught there I believe did have the benefit of a teacher tenure bill.

I am registering my objections to this bill wholly on behalf of the school committee members in my district who have asked me to oppose that measure here today.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: I hesitate to inject myself into this discussion, but I know the people in my section are opposed to this measure. I have had only two persons come to me in favor of it, and those were the superintendent of our schools and the principal of an adjoining high school.

I know it is very unpopular to say anything against a measure that has the word "Education" hitched to it. Education has become a touchstone, and anybody who says anything against anything of that kind is labelled as a mossback of some kind. Nevertheless, I feel with the men who have already spoken, that this would take from our municipalities the control that they have exercised for a great many years, namely the selection of the kind of teachers that they think are best adapted to their particular schools.

This is, it seems to me, a very radical measure. It is a complete change in our school system so far as electing our teachers is concerned. I doubt if we as members of this House at this time are in a position to pass intelligently and appropriately on this measure. I do not feel that this measure has been sufficiently discussed throughout the State of Maine so that we would in any proper sense voice the real desires of our constituents in voting either for or against this measure. Following my general principle that when I am in doubt about legislation I prefer not to pass it, I am obliged to register my opposition to this measure.

Some of the things that lead me to do so are these:

The difficulty that school boards would encounter in removing a teacher. A teacher may become objectionable in any particular community and will do nothing for which, under the provisions of this law, she can be removed. Another point is that under the provisions of this law the school board has to go to a great deal of trouble on a public hearing, taking the chances that they might be overruled. It seems to me that most school boards would hesitate a long time to even attempt to remove a teacher they thought was unfit rather than endure a public hearing over the whole matter.

I do not believe that the good teachers of the State of Maine have any interest in this matter. So far as I can find, the teachers in my own community are not even fifty per cent in favor of it. School boards, if they should hire a teacher for a fourth term now under the provisions of this bill would automatically be hiring them for life if the teacher conducted herself properly, and that is a long period.

I am wondering if in some of our smaller communities school boards would not think it wise to refuse to hire any of the teachers for a fourth term and so continue to keep teachers only for three years at a time? There is good competition among teachers now and the various school boards are competing to get good teachers in our schools. I am unable to see how teachers can compete very much under this tenure law, because each school board seems to be limited in the teachers they can ask for. If their present staff refuses to move they can not bid for any others, and if there are no bids the good teachers will not have the opportunity to go to better positions. I think it is detrimental to teachers.

Under the present law, as has been pointed out to you, they may now insist on a three or five-year contract if they so desire. Is that not a long enough contract?

This again passes over some of the powers of the local municipalities into the hands of the departments of State. It is taking away from our local municipalities further control over their schools. I wonder if we are ready for this further centralization of power in the State Educational Department, because the Commissioner can tell any

school that they must hire eighty per cent of their teachers and keep them on a teacher tenure basis. That is pretty nearly dictation.

Many poor towns may now be in possession of mediocre teachers; they may hope things will change so that they can hire better teachers. If this Teacher Tenure Law is foisted on them, how are they going to change their mediocre teachers to better teachers later on. If this is such a good thing for teachers, why exempt the teachers in the one-teacher school as this law does? Surely they are the teachers that need the most protection. The teachers in high school and grammar school and the grade schools are usually good enough teachers so that they do not require protection. I believe that it is not an unmixed curse to the teacher that she is subject to the public approval. I believe it is good for the teacher to feel that she is under the scrutiny of the eyes of the public that she is serving. After all, she is a public servant. I believe that she makes a better teacher because she feels she must be responsible to the attitude the public have toward her school.

I grant you that there may be cases where this present system of ours has worked injustice to a few teachers; but, ladies and gentlemen, are those cases sufficiently numerous so that we should impose this law upon the whole State of Maine?

I think that this has been amply discussed, and I do not wish to take up any more time on it. I wish this matter could go over to some future legislature and let the people of the State of Maine have more time to discuss whether they want this system or not. I therefore am against the motion made on this matter.

The SPEAKER: The Chair recognizes the gentleman from North Anson, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, this bill has been discussed here pretty nearly all the forenoon. I think the point has been gone way by where you can really change any vote on the floor of the House. I am going to move the previous question.

The SPEAKER: The gentleman from Anson, Mr. Fenlason, moves the previous question. In order for the Chair to entertain the motion for the previous question requires the consent of one-third of the members present. All those in favor

of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question before the House is shall the main question be put now? As many as are in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Whitefield, Mrs. Grady, that the House accept the minority "Ought to pass" report of the committee. The gentlewoman from Bath, Miss Deering, requests that when the vote is taken it be taken by the yeas and nays. Under the Constitution the vote must be taken by the yeas and nays upon the request of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-one members arose, there being 125 members present.

The SPEAKER: Less than one-fifth of the members present having requested the roll call, the roll call is not ordered.

Mr. MILLS of Farmington: Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Whitefield, Mrs. Grady, that the House accept the minority report "Ought to pass". All those in favor of the motion of the gentlewoman from Whitefield, Mrs. Grady, that the House accept the "Ought to pass" report will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Thirty-two having voted in the affirmative and 92 in the negative, the motion to accept the minority "Ought to pass" report did not prevail.

Thereupon, on motion by Mr. Pratt of Turner, the majority report "Ought not to pass" was accepted and sent up for concurrence.

On motion by the gentlewoman from Brunswick, Miss Bangs, House Rule 25 was suspended for the remainder of today's session.

#### Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Farm Tractor Trailers" (H. P. 1893) (L. D. 1108) which in the House was passed to be engrossed on April 7th and passed to be enacted on April 10th.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Littlefield of Albion, the House voted to recede from its action whereby it passed this Bill to be enacted on April 10th and to further recede from its action whereby the Bill was passed to be engrossed on April 7th.

Senate Amendment "A" was then read by the Clerk as follows:

Senate Amendment "A" to H. P. 1893, L. D. 1108, Bill, "An Act Relating to Farm Tractor Trailers."

Amend said bill by striking out from sub-section (1) thereof the figure "5" and inserting in place thereof the figure '4'.

Thereupon, Senate Amendment "A" was adopted, and the Bill was passed to be engrossed as amended in concurrence.

#### Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Speed Regulations" (H. P. 1552) (L. D. 843) which was indefinitely postponed in the House on April 11th.

Came from the Senate, passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I move that the House insist on its former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as Conferences on the part of the House:

Messrs. BRAGDON of Perham  
ARZONICO of Yarmouth  
SLOSBERG of Gardiner

#### Non-Concurrent Matter

From the Senate:

Bill "An Act Imposing an Additional Gasoline Tax" (H. P. 1475) (L. D. 615) on which the House substituted the Bill for the "Ought not to pass" Report of the Committee on Taxation and passed it to be engrossed as amended by House Amendment "A" on April 10th.

Comes from the Senate with the Report accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker, I move to insist and ask for a Committee of Conference, and in this connection I would like to say a few words.

This 90th Maine Legislature assembled here on January 1st with a New Year's resolution in the mind of each one of us to do the best we could to construct a real tax program that would take care of the necessary running expenses of our State government, provide a good road program, make provision to care for all those who need Old Age Assistance, and afford some relief for the real estate taxpayers, but it seems that there is a Third House in this Legislature that is determined to block every move that we make to pass any new tax measures to carry out this program.

They tell us that we should cut expenses and balance our budget without any new taxes. Now this is the way I see it:

We had a special investigating committee here all last summer and they did not tell us where we could cut expenses. We had a budget committee here in December and they did not show us any place to cut expenses. We have an appropriations committee and they have recommended larger appropriations than ever before.

Now, if the members of this Third House know so much more than the members of the Legislature about how to run the affairs of this State, it is a mystery to me that they do not get elected to fill our positions and carry out their program.

If we are to start in cutting expenses without knowing anything about what to cut, it would seem

quite natural for us to start with the departments that use the most money.

Now, the people who are making all the noise about this gas tax are the Maine Automobile Association, the Maine Commercial Truck Association and the Associated Petroleum Industries, and it happens that the Highway Department is the department that uses nearly as much money as all the rest of the departments together. I have no desire to curtail the activities of the Highway Department, but if the people who use the roads are the ones who are clamoring for a reduction in State expenses, I think that would be a good place to start cutting expenses.

If we kill both of their proposals for bond issues, that will be a saving of over \$4,000,000 and will be a good start in the direction they are clamoring for.

Another department that uses a lot of money is the Department of Health and Welfare, and a large part of its funds go for Old Age Assistance. We might well lop off a couple million from that Department and we will have done a good job at cutting expenses.

But I do not believe that is the kind of a program the people of this State want us to put through, and I am willing to make another try for what I think is the best thing for the people of the State of Maine and not for the Third House.

There is quite a strong sentiment right now in favor of passing an order that will forbid any Legislative Agent the privilege of coming upon the third floor of the State House at any time during the days that the Legislature is in session, and it may be a good thing to adopt that suggestion.

Now, Ladies and Gentlemen, I hope the Members of this Legislature have backbone enough to stand on their own feet and help carry out a program that we know the people back home want.

We need this 1-2c gas tax to carry out the provisions of L. D. 189 and I hope we may have a Committee of Conference on this bill and see if we cannot make a start on something constructive.

I ask for a Committee of Conference.

The SPEAKER: The gentleman from Dixfield, Mr. Holman, moves that the House insist and ask for a

Committee of Conference. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as Conferees on the part of the House:

Messrs. HOLMAN of Dixfield  
GRUA of Livermore Falls  
SANDERSON of Greene.

#### Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Gathering of Kelp" (H. P. 1557) (L. D. 848) which was passed to be engrossed in the House on April 11th.

Came from the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by the gentleman from Thomaston, Mr. Smith, the House voted to recede from its former action and concur with the Senate in the indefinite postponement of this Bill.

#### Senate Insisting—Conference Asked

From the Senate:

Bill "An Act relating to Arrests in Criminal Cases" (S. P. 365) (L. D. 678) which was indefinitely postponed in the House in non-concurrence on April 11th.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference and with the following Conferees appointed on its part:

Mr. HARVEY of York  
Miss LAUGHLIN of Cumberland  
Mr. FARRIS of Kennebec

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I move that the House insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Bethel, Mr. Williams, moves that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as Conferees on the part of the House:

Messrs. WILLIAMS of Bethel  
CONANT of Auburn  
DOWNS of Rome

Mr. Richardson, of Strong, was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker, we were advised last night that the lady who has been in charge of the

check room in the State House ever since the administration of Governor Milliken died rather suddenly, and it was suggested that the members of the House, in common with other State House employees, might desire to make some little cash contribution that would in some way or other signify the fact that they recognize that even though a person might have been performing a more or less humble task, she was, nevertheless, showing a high type of service.

We are told that Miss Mary Louise Brown's father was a coachman for James G. Blaine and worked for years in the State House as a night watchman.

I think we might well recognize the fact that this is one of the few places on the face of the earth where color does not enter into a picture of this kind. I think we recognize that here in the United States, and especially in the State of Maine, that we still recognize service for what it is. And so I think it would be more or less fitting if perhaps, off the record, we paused long enough for the Pages to pass the hat, in order that we may give some little token which will show that we as individuals of the State of Maine at least recognize what the word "Service" is, even though it may come from the humble.

"You may grow to great riches and glory,  
 You may toil for yourself thru the day;  
 You may write in your record the story,  
 The troubles you've met on the way.  
 But vain is the fame that you boast of,  
 And wasted the years that you scan;  
 Your strength you've not made the most of,  
 If you've rendered no service to man.

If something of you isn't living  
 Long after your spirit has fled  
 If your hand ceases toiling and giving  
 The moment your body is dead,  
 You have quitted this world as a debtor  
 And failed in the Infinite Plan,  
 If you leave not one roadway that's better,  
 You have rendered no service to man.

For the things men are planning and doing  
 Must be for the good of us all.  
 The sum of the goal we're pursuing  
 Unselfishly world-wide must fall;  
 And if nobody's burdens are lighter  
 Than when your poor being began,  
 You have dismally failed as a fighter,  
 For you've rendered no service to man."

The SPEAKER: If there is no objection, the House may be at ease while the Pages take up a collection for the purpose stated.

**House Reports of Committees Leave to Withdraw**

Mr. Patterson from the Committee on Claims on Resolve in favor of Watts Detective Agency, Inc. (H. P. 229) (L. D. 75) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Race from the Committee on Claims reported "Ought not to pass" on Resolve to reimburse the town of Anson for Support of a State Pauper (H. P. 17)

Same gentleman from same Committee reported same on Resolve to reimburse the city of Portland for the Support of Marie Marotto and children (H. P. 772)

Reports were read and accepted and sent up for concurrence.

**Passed to be Engrossed**

Bill "An Act Increasing the Powers of the city of Brewer High School District" (S. P. 551) (L. D. 1145)

Bill "An Act relating to St. Joseph's Convent and Hospital" (S. P. 555)

Bill "An Act relating to the Game Sanctuary in the town of Standish" (S. P. 548) (L. D. 1133)

Bill "An Act relating to the Taking and Sale of Clams in the town of Georgetown" (S. P. 549) (L. D. 1132)

Bill "An Act relating to Tuition for Indian Scholars in Elementary Schools of Old Town" (H. P. 297) (L. D. 107)

Bill "An Act relating to Health Officer for Penobscot Tribe of Indians" (H. P. 1349) (L. D. 802)

Bill "An Act relating to Schools at Pleasant Point and Peter Dana's Point" (H. P. 1350) (L. D. 803)

Bill "An Act relating to the Penobscot Tribe of Indians" (H. P. 1351) (L. D. 804)

Bill "An Act relating to Representation of Indian Tribes at the Legislature" (H. P. 1352) (L. D. 805)

Bill "An Act relating to the Penobscot and Passamaquoddy Tribes of Indians" (H. P. 1353) (L. D. 806)

Bill "An Act relating to the Passamaquoddy Tribe of Indians" (H. P. 1914) (L. D. 1153)

Bill "An Act relating to the Adoption of Children" (H. P. 1915) (L. D. 1152)

#### Bill Tabled

Bill "An Act to Incorporate the Wilton Water District" (H. P. 1916) (L. D. 1154)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Hall of Wilton, tabled pending third reading)

Resolve to Reimburse Aroostook Central Institute for Tuition owed by the town of Blaine (H. P. 585) (L. D. 1151)

Resolve in favor of Joseph L. Perry of Rumford (H. P. 1913) (L. D. 1150)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time. Resolves read the second time, all except tabled matter passed to be engrossed and sent to the Senate.

#### Amended Bill

Bill "An Act relating to the Stipend for Agricultural Societies" (S. P. 90) (L. D. 95)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

#### Passed to Be Enacted

##### Emergency Measure

An Act to Provide for Reissuance of State Highway Bonds (S. P. 542) (L. D. 1126)

The SPEAKER: This bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate, and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now pass to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand

in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and fourteen having voted in the affirmative and none in the negative, 114 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Provide for the Issue of State of Maine Agricultural Bonds for the Eradication of Bang's Disease and Other Contagious Diseases (H. P. 1516) (L. D. 842)

The SPEAKER: This bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now pass to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty having voted in the affirmative and none in the negative, 120 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with reference thereto (S. P. 344) (L. D. 661)

An Act relating to the Liability of Relatives to Support Recipients of Public Assistance (S. P. 361) (L. D. 668)

An Act Amending the Financial Responsibility Law (S. P. 531) (L. D. 1094)

An Act relating to the Sale of Malt Liquors to Minors (H. P. 1286) (L. D. 562)

An Act relating to Androscoggin

and Kennebec County Law Libraries (H. P. 1340) (L. D. 797)

An Act Creating the Maine Turnpike Authority (H. P. 1601) (L. D. 917)

An Act to Incorporate the Presque Isle Water District (H. P. 1865) (L. D. 1082)

An Act relating to Taking and Sale of Clams in certain Cumberland County Towns (H. P. 1899) (L. D. 1123)

Resolve in favor of Wilfred Duquette of Brunswick (H. P. 1106) (L. D. 1046)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, as it is now twenty minutes past twelve and the first measure on the table will be debated, I therefore move that the House recess until two o'clock this afternoon.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until two o'clock this afternoon. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

#### Afternoon Session—2 P. M.

The SPEAKER: The House is proceeding under Orders of the Day.

Under Orders of the Day the Chair lays before the House the first tabled and especially assigned matter, Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662) tabled by the gentleman from Auburn, Mr. Conant, on April 10th, pending third reading.

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I note the absence of the gentleman from Auburn, Mr. Conant, and I suggest that the matter be retabled and be taken from the table as soon as he comes in the House.

The SPEAKER: The gentleman from Portland Mr. Payson, moves that this matter lie on the table. Is this the pleasure of the House?

The motion prevailed and the bill was retabled pending third reading.

The Chair lays before the House the second tabled and especially assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relative to Recording Meters on Fuel Oil Trucks" (H. P. 1619) (L. D. 967) both reports tabled by the gentleman from Waterville, Mr. Poulin, on April 10th, pending motion of Mr. Grua of Livermore Falls, that the Majority Report "Ought not to pass" be accepted.

The question before the House is on the motion of the gentleman from Livermore Falls, Mr. Grua, that the Majority Report "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed and the majority report "Ought not to pass" was accepted and sent up for concurrence.

The Chair lays before the House the third tabled and especially assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act to Impose an Occupation Tax on Conducting a Business by a System of Chain Stores." (H. P. 1480) (L. D. 611) tabled by the gentleman from Lewiston, Mr. Lambert, on April 10th, pending acceptance.

The Chair recognizes the gentleman from Lewiston, Mr. Roy.

Mr. ROY: Mr. Speaker, in my absence Mr. Lambert tabled this measure. I would like to take this matter up.

The SPEAKER: The gentleman may proceed.

Mr. ROY: Mr. Speaker, with reference to House Paper 1480, Legislative Document 611, I move that the bill be substituted for the report.

I would like to say that the object of the bill before us is to make absentee owners of stores operated within the State of Maine pay as much taxes as our home merchants do.

It certainly is the desire of all sound minded Americans to have the burden of taxation equally distributed among business men whether they be residents of the town or absentee owners. The aim of this bill is not to put anyone out of business, but to equalize taxation.

A survey of store taxation in Lewiston—this is my home town—

revealed the fact that, volume of business considered, independent merchants pay three times more taxes than chain-store merchants do. For instance, the Great Atlantic & Pacific Tea Company did, in 1936, with 9 units, a gross business of over \$500,000 and paid a tax of \$754 only, while a group of independents that did a like volume of business paid \$2200. In other words, our home merchants paid 75 per cent of the store taxes and the chains but 25 per cent. The same inequality between chain and independent store taxation exists throughout the State.

The substance of the question under discussion is MONEY! And money is the ruling spirit of all things. The incentive of business is the other man's money; and chain stores come into our State after our people's money, nothing else!

These chains spend millions of dollars for all kinds of literature and newspaper advertisements to keep the public under the false impression that they put more into our communities than they take out. But I shall prove to you, with the chains' own figures, that they take at least two million dollars out of Maine every year and the money they claim they put in is only apparent, not real.

Now there are two things in this world from which no one can escape: Death and Taxes. It is said that "men prefer any load of infamy, however great, to any pressure of taxation, however light!" Therefore, with few exceptions, the rich, like the poor, pay taxes unwillingly. Consequently we have to enact special laws to force the giant corporations doing business in our State to pay as much taxes as our home merchants do for they never will do so willingly.

Now what is money? It does not exist in itself. It has no intrinsic value, but it more or less represents and we accept it as a medium of exchange for value.

The chief money-creating powers in Maine are Agriculture, Manufacture, and Electricity.

Agriculture is the foundation of manufacture since the productions of Nature are the materials of art; and the glory of the farmer is that, in the division of labor, it is his part to create. All trade rests at last on his primitive activity. He obtains from the earth the bread and meat.

The food that was not, he causes to be. He stands first among the creators of wealth but generally last among the possessors of the wealth he creates.

Now the farms of Maine, in 1939, produced 38,250,000 bushels of potatoes valued at \$20,706,000 and 900,000 bushels of commercial apples, valued at \$854,000. The total Maine farm products including apples and potatoes brought \$29,299,000 in 1939. All these millions of dollars of wealth were created by the farmers of Maine.

Now how is money created by manufacture? To understand how money is created by manufacture let us take, for example, a piece of raw steel that costs five cents; a worker will convert that into one dollar's worth of sewing needles. This is, through manufacture, an increase of 95 cents in the value of that piece of steel. This increase in value is represented by money.

We have eight textile mills in Lewiston. Three of the largest ones used in 1940, raw materials cost-ign \$6,863,000; the estimated value of the goods produced from these raw materials was \$11,593,000; an increase of \$4,730,000—approximately 90 per cent increase in value. The amount of wages paid to the textile workers was a little over two million dollars. These millions, received in wages, came from the finished goods that are sold in many parts of the world.

Another creator of money in the State of Maine is the Central Maine Power Co. This corporation operates wholly within the State. Like the textile manufacturers it spends millions of dollars to harness the power that went to waste in the water on its way to the sea. Now, at low cost, we are blessed with light, heat and power that operates thousands of labor-saving machines, musical instruments, radios, etc., that bring cheer and comfort to the home.

Out of 18,000 stockholders in this company 14,000 are residents of Maine; consequently approximately 75 per cent of the profit realized by the company remains in our State.

What do chain stores produce? Chain stores create nothing, produce nothing, they merely exchange money for goods and goods for money. They are of service, of course, for they go to all parts of the world and bring to our towns all kinds of merchandise that our



people need, but they are paid a big price for their services.

They brag about keeping prices down. Now I have got out of the Investigating Committee in Washington, the Report of the Hearings on House Resolution No. 1, and in this Report we read, in part:

"In very chain-store argument one point is emphasized, and that is: 'We keep prices down.' If the farmers had \$12,000,000,000 a year gross income, as they should have instead of \$6,000,000,000 a year, one of the greatest markets in the world would be created for all goods and services produced in America. But with the interstate chains keeping the farmers' prices down, that reduces buying power of the farmers who are the best customers of the people who live in the cities. The people who live in the cities have lower wages, because the farmers cannot buy; therefore low prices to the farmers force low wages to factory workers. Low wages to the factory worker means he will buy less, because his debts, taxes, and other fixed charges have become proportionately higher by reason of his low wages.

"Any consumer who demands a price so low that the farmer or wage earner does not receive a fair price or a fair wage to give him purchasing power, is demanding a price that will destroy the purchasing power of two-thirds of our people and will eventually destroy our Nation. If low prices were the paramount consideration, repeal of the protective tariff would be the logical step in that direction."

The Federal Trade Commission reported June 10, 1937, as follows:

"Practices of certain large buyers, particularly chain-store buying companies, tend to depreciate prices received by the producer and are often discriminatory in their effect."

For instance, we have heard a gentleman say they buy in large quantities, that they buy billions of dollars worth of potatoes. Now they will buy, we will say, one dollar's worth of potatoes and they get \$1.20 for that one dollar's worth of potatoes. If they buy a million dollars worth of potatoes they are giving a million dollars but they are taking out a million, two hundred thousand dollars in value, because to sell those potatoes at retail it will cost them \$175,000. That leaves

them \$25,000 for their net profit. Now where is the money they put in? They put in one million dollars, but they get that back when they sell those potatoes plus \$200,000. Now where is the money they put in.

Now how is business transacted?

First, let me say to Mrs. Consumer, that all the money that pays the expenses of running the store where she trades comes out of her pocket-book.

For example, let us take an article that costs the merchant one dollar; for this the consumer must pay at least one dollar and twenty cents. A merchant cannot do a profitable business for less. This 20c is not all profit. Out of this amount he must take at least 15 cents to pay the clerks, rent, taxes, in fact his overhead expenses, and take a profit of at least 5 cents. So the merchant gets his dollar back plus his expenses and profit. The money passed over the counter is mostly Maine money, earned on farms of Maine, in factories of Maine, on highways and projects of Maine; excepting a small percentage that comes from outside, it is exclusively what we should call Maine money. And this is the money that the chains claim they 'pour' into Maine. As you can plainly see it is money they get from the consumer that they pay their overhead expenses with. That they put this money into Maine is only apparent, not real.

Now everything should move in cycles. The Law of Nature rules that everything should move in cycles. The earth rotates on its axis; the moon revolves around the earth, and together, like dancing partners, they waltz around the sun; and the sun, with its family of planets, whirls around a common center.

On the Earth as in the Universe, everything must rotate. The farmer who harvests his crop must return to the ground the equivalent of what he has taken out; if he does not, Mother Earth will soon refuse to yield his crop.

Then, there is the marvelous rotation of water on which all living things on earth depend. Have you ever thought of the tremendous volume of water that pours into the ocean every day through the great St. Lawrence, the Mississippi, the Amazon, the Orinoco, the Yangtze

and the thousands and thousands of other streams? Is it not difficult to believe that an exact volume of water, in the form of moisture, is picked up every day by the atmosphere and sprinkled over fields, forests and mountains, thus supplying one of the most vital elements of life? Let us suppose that, at every round, a certain amount of moisture flew away in the unknown, never to return, what would happen? In time water would disappear and life would vanish from the face of the earth.

All that moves in one direction is bad; merchandising is no exception. Everything must rotate. For instance, money goes from producer to consumer, then consumer to merchant and from merchant to producer, and so on, round and round, and at every round, in the case of chain stores, the merchant takes the profit and sends it to an absentee owner where it remains. This net profit is the life blood of the community where the store is located. It is the only thing that counts in business; it is the only thing that the merchant cares for; to send it away never to return dries the life-blood of that community and in time the community will be nothing but a ghost town.

To the Press, may I be permitted to say that a newspaper, like a human being, is composed of two parts: The body and the soul. The editorials are the soul, and nothing but what the editor believes to be positively true should enter that part of his publication. Sell the body of the paper for what it will bring; this is how the paper gets its living. But the soul should not be sold nor soiled; it should be kept free from taint or misrepresentation.

It is exceedingly difficult to put a bill, as we have here, through the Legislature for it hits big business monopolies and chain store systems. These giant corporations are so powerful that newspapers are not willing to publish anything that conflicts with chain store interest. We do not blame the press, for many newspapers have been crippled for having dared to shed light on the chains' method of misleading the public.

Now I have here an editorial that I wish to comment on. I intended to bring this up last Thursday and leave it on the desks. If all you

gentlemen do not have a copy, I will request that the Pages will pass out copies. I would like to have each of you have a copy of that so you can follow it down through, because that is a vital part, and I can prove to you that there is not one word of truth in what they bring out.

Two years ago, there was a similar bill on its way through this Legislature, the chain stores put in the papers a large advertisement, nearly a page, I think in all the principal papers of the State. Now I read from an editorial commenting favorably on a chain store advertisement published March 8, 1939 in the leading newspapers of the State. That editorial was not signed. I do not know who the editor was. Most of our large publications have two or three editors, and I doubt if it was the chief editor who published that.

It starts in and says:

"The State of Maine will lose \$6,000,000 annually if a proposed State chain store tax is passed, according to a survey released for publication today by the Institute of Distribution."

Now have any of you members ever seen the report of our State officers here where they were receiving six million dollars a year? What do they mean by that.

Now Paragraph 2 says:

"The survey shows that the total annual sales by the 900 chain stores doing business in Maine amount to \$47,000,000, while money spent by the chains for Maine products and Maine services, plus the savings brought about by chain store prices, is nearly \$53,000,000, leaving a favorable economic balance of \$6,000,000 to the State of Maine."

That means that our Maine people pay forty-seven million dollars of Maine money over the counter into the hands of the chain store merchants.

Then we come to Paragraph 3:

"\* \* \* Other large sums which the chains put into the Pine Tree State annually to provide employment for thousands of Maine residents are heat, light and fuel, \$3,000,000; rentals, \$2,200,000; salaries and wages, \$4,100,000; taxes, \$900,000, and advertising \$800,000."

Now that is their overhead expenses. Of course that must have come out of the \$47,000,000 the people passed to them, and out of

the \$47,000,000 they must have taken at least \$2,000,000 profit. \$2,000,000 out of \$47,000,000 is not a very large profit. That would make about 5 per cent. Now that amounts to \$13,000,000. \$13,000,000 must come out of that \$47,000,000. That proves that the total cost of their goods was \$34,000,000. There was \$34,000,000 worth of goods that they sold to our people for \$47,000,000. That is their increase. If there is anything that is not true I would like to know what it is.

Also, in Paragraph 3, they say: "The purchases of Maine farm and factory products by the chains \* \* \* are about \$36,600,000 annually."

Now if they paid \$36,000,000, they must have sold that to the people for \$45,000,000. In other words, they sold for \$43,000,000 what cost them \$36,000,000. But they are trying to make the people believe they are pouring it into the people's pockets.

That reminds me of a story of the little boy who had a little bank he was rattling with coins in it. His little friend says, "Oh, Willey, what have you got in that?" "Money, money," says Willey. "Where did you get the money?" "Every time I take castor oil my mummy gives me five cents." "And when the bank is full what do you do?" "Mummy takes it out." "And what does your mummy do with the money?" "She buys some more castor oil." (Laughter)

That is just the same as they are doing with us.

In Paragraph 4 it says: "One of the most important points stressed in the survey was the vast savings to Maine consumers; Maine patrons of chain stores, the survey reveals, saved \$5,200,000 in 1938 as a direct result of lower prices instituted by the chains."

Now how can they save it when it is the people's money they are using and nothing else.

Now Paragraph 8—that is one of the worst ones there is:

"It is predicted that passage of the measure will mean closing of many of the 900 units now maintained by chains in the State, with a resultant increase in unemployment and taxes to provide unemployment compensation, as well as the elimination of a large portion of the \$4,000,000 now paid in salaries by the chain stores to employees."

Now there are nineteen states that have chain store taxation. I

sent to those states and they all replied, and I have got the letters. I have put down here a few of them.

Indiana says: "If the lobbyists of the chain store groups are fighting the progress of your bill with this sort of propaganda, they are all wrong. The fact of the matter is, the law is supported by the chain groups in this State. Furthermore, there has been an increase in chain operators within this State each ensuing year. It is true, the chain organizations fostered litigation at the time the law was enacted, but their attack was on the constitutionality of the act, and after it was declared constitutional by the Civil Court, State Supreme Court and the United States Supreme Court, they quickly withdrew any and all complaints, and loyally cooperated with the Department since that time."

South Dakota — "The chain store tax law has been in effect since July 1st, 1937, and we find that none of the chains have closed their business in the State."

South Carolina — "There are more chain stores in operation in the State at this time than when the law was first enacted."

Iowa — "Our research department informs us that the chain store law has had no effect in the unemployment situation within this State."

Louisiana — "No effect, such as the closing of many units and subsequent increased unemployment, or taxes to provide unemployment compensation, has been noticed in Louisiana."

Kentucky — "There is no justification for assuming widespread unemployment as hinted by chain store lobbyists."

Mississippi — "We have no information that the chain store law has resulted in the closing of any store."

Colorado — "The Chain Store License Law did not result in the closing of any units maintained by the chain store organizations in the State."

The other states that have chain store tax laws that are working satisfactorily are: North Carolina, Minnesota, Georgia, Michigan, Maryland, Texas, Virginia, Idaho, Florida, Montana.

Now instead of taxing our poor people, and our poor farmers especially, why not tax these large corporations?

For instance, there is Barbara Hutton and many others like her. Her fortune was \$42,000,000, and the last report gives it as \$48,000,000. There is an increase of six million dollars. And where does that come from? It comes from these five and ten cent stores we have here. Why not tax those people and let them pay taxes the same as they in those other nineteen states are doing? There is no reason why we should let them go tax-free when we have so much difficulty in raising money.

I know a printer in Lewiston who had at one time eighteen people working for him with a payroll of more than three hundred a week. That was fifteen years ago. Then the chain stores came in and his business kept dropping down until now he employs but four and has a payroll of less than one hundred dollars. These chains have not one cent's worth of printing done in Lewiston or anywhere else in Maine so far as I have been able to ascertain. Why not make them do so? We have that power in this Legislature. They say it will put them out of business. I firmly believe they should go out of business because I firmly believe that the overthrow of the giant corporation is a necessity if we are to have economic prosperity in this country. They say "Impossible!" Impossible, gentlemen, is un-American. It is the impression created by a coward. Where there is a will there is a way.

The Constitution of the United States, as interpreted by the Supreme Court, gives us legislators power to tax any concern out of our State if we find they are doing any harm in any way. I do not say we should do that now; we are not able to; but the time will come, I positively believe.

There are two ways in which these giant corporations can be overthrown; one is peacefully through our State Legislature and the other is by force of arms. It will eventually come to force of arms unless our economic system that they have practically destroyed is restored.

Paragraph 3 says: The money chain stores **POURED** into Maine was: Light and fuel, \$3,000,000; rentals \$2,200,000; salaries and wages, \$4,100,000; taxes \$900,000; and advertising \$800,000. These figures sum up to all \$11,000,000 which is the overhead expenses of the 900 stores."

"Now, Mr. Chainstore, where is the money you say you **POUR** into Maine? It is the Maine people who put money into your coffers to the amount of two million dollars—your net profit—a year. You create nothing, produce nothing, and we are paying two million a year for the distinction of being served by your stores and you are paying the newspapers hundreds of thousands of dollars a year to keep the public under the false impression that you put in more than you take out."

Now is there anyone in this House who can tell me if there is anything that is not true in this? They do business with our money and they pay these people with our money and the money goes out of the State. If any of you gentlemen can show me where there is one cent they put in I would like to know where it is.

Now they say they buy in large quantities. They do buy millions of dollars worth of potatoes in Aroostook, but while there are about twenty, twenty-five or thirty large growers that get rid of their product there are twenty to thirty thousand small farmers who find no market because they cannot sell in small quantities; and to refuse to pay a little more for their product is to refuse to help the people who are paying the money to do so.

Another thing to show you how this works. A week ago last Friday at the meeting of the Rotarians, in Lewiston, Mr. Bramhall discussed chain stores. He gave some statistical data about the amounts that the chain stores paid out in the past year. He told the club that the chains paid out the past year some \$65,200,000 in wages to employees in Maine alone. Their report here shows what they paid out in wages was \$4,100,000. That is quite a jump to \$65,200,000. This is merely to show you how false their statements are.

Further on they say that rentals were \$12,500,000. Here in their report it says the rentals were \$3,000,000. Then he goes on to say, \$500,000 was paid in taxes. The taxes according to this report were \$900,000. Then he says advertising was \$4,400,000. According to this report their advertising was \$800,000.

So you can see how unreliable their statements are. They are

bluffing the people and fooling us right along.

Now I do not see why we should refuse to put this measure through. Although it has been unfavorably reported by the committee, I am positive that if it goes through this House it will go through the Senate. We need this taxation. What have we against the bill? Is it on account of the person who presented the bill?

Some say it is unconstitutional. The constitutionality of an act is not up to us to decide. We have a Supreme Court to decide that. Put this bill through and let our Supreme Court decide whether it is constitutional or not. I know they have similar bills in eleven other states, because I have made a study of that. So, gentlemen, I will ask you to vote favorably on this bill. I know you will never regret it. Help us shut up these giant corporations that are ruining our people here. They have millions and millions of dollars they have put into our Legislatures, as the report of the Federal Trade Commission shows. They have had lobbyists to whom they have paid big prices in the Legislature ever since this bill was introduced, to try to stop this legislation.

I have nothing to say against the lawyers, because it is their duty to convince the judge and jury no matter how guilty he may be.

Why not put this bill right through and help taxation? The taxes provided for in this bill are not large. From five to ten stores it would be \$45, and for ten to twenty stores it would be \$150. In fact, it runs up to fifty stores, \$2,245.

Now it is not designed to bring in a large revenue. Why not try to help our independent merchants? Why not help them by making these giant corporations pay taxes?

Now, members, I would like to have you vote in favor of this bill. You will never be sorry for it, and I am sure if it goes through the House it will go through the Senate.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, that the House substitute the bill for the "Ought not to pass" report of the committee. The Chair

recognizes the gentleman from North Anson, Mr. Fencilason.

Mr. FENCILASON: Mr. Speaker and Members of the House: I will promise you that I will not talk three-quarters of an hour. If I talk over five minutes I hope you will vote against me.

The gentleman from Lewiston, Mr. Roy, implies they do not pay much of any tax. I do not understand how a man can do business in Maine and not pay any tax. If so, it must be the fault of the assessors of the town where they are doing business.

He also speaks of the profit of the chain store, some 2 to 5 per cent as being excessive. That is the net profit and those net profits, I don't know where they go, but they go somewhere.

Now it was in 1933, I think, that a similar chain store bill came in here; in fact there were two chain store bills that came into this Legislature, of which I was a member, and there are other members of the House who served with me at that time. The bill was all set for passage when a member of the Supreme Court walked through the corridor and says, "It is no use for you fellows to attempt to enact a bill like that into law. It is a special privilege law, and you can not do that. You have got to tax every retail store in the State of Maine if you do that."

As a result of that, you will remember we did put a tax of \$1.50 on every retail store. We had a sliding scale and we took care of them all right. But it developed that a wheelbarrow alongside the road where a child had a squash or a pumpkin for sale was a retail store and he had to pay if our assessors were doing what they ought to do. A milkman who was delivering milk, it was a "place" and he was subject to the tax. It worked a hardship on these people. But the itinerant peddler could peddle from door to door and he didn't come under the tax at all. It was one of the meanest laws we ever had.

That gentleman I referred to is on the bench of the Supreme Court today. I am just withholding his name.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker and Members of the House: It is my privilege to have this opportunity to explain and defend the unanimous report of your Taxation Committee. The argument you have just heard, we took into consideration before making our report. In spite of the fact that it must be acknowledged that the Chains have made it more difficult for the Independent merchant to succeed; and in fact has caused a radical change in methods employed by the Independents—such as introducing the Chain-buying system as represented by Independent Grocers' Association, Clover Farms, etc., we reached our decision for the following reasons:

1. The good the Chains do the Maine producer.

The Committee cannot imagine any persons who was at that hearing not being impressed by the fact that the markets for Maine products had been greatly increased through the distribution by the Chains of Maine products throughout the other New England States and New York. Nor could they fail to realize the benefit derived from their advertisement of Maine products throughout the same territory. The argument that the Chains take money out of the State breaks down when you consider this, and I quote from a speech made by Senator George Findlen during the 89th Biennial Session.

He said "I want to say we are a surplus producing state. We need the co-operation of every agency in the marketing of our products. The Chains spend in this State of Maine \$50,000,000 annually. Their total sales amount only to \$45,000,000. Now I want to ask you if that is not a pretty good balance?"

2. The good they do the consumer.

The committee, while admitting that not much evidence was presented at the hearing on this subject, wishes to call this fact to your attention. The Independents had control of the field for many years. The Chains had to prove their value to the buying public—first in order to gain a foothold. The fact that the buying public patronized the Chain stores in sufficient number to make it profitable for them to remain, simply means to the committee that the people had voted for

lower prices on food commodities. And it seemed to us that we should agree with Senator Findlen again when he said, "To get good food to the consumer at the least possible price ought to be the aim of any Legislature."

3. The dangerous policy of Discriminatory and Class legislation.

Even the proponents of this bill admit that this measure is discriminatory because they say their desire is to make it possible for the Independents to compete with the Chains, therefore being an attempt to raise prices by taxation, it thus becoming the worst kind of a Sales Tax, the hidden one. It is the opinion of this committee that no Legislature should with its eyes open pass discriminatory or class legislation; that that class of legislation should only arise from the mandate of the people.

The committee hears no mandate from the people and hopes this Legislature will support its report of "Ought not to pass," and that Mr. Roy's motion will fail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFFLIN: Mr. Speaker, may I, through the Chair, ask a question of the gentleman from Lewiston, Mr. Roy?

The SPEAKER: The gentleman from Portland may ask his question through the Chair.

Mr. McGLAUFFLIN: Mr. Speaker, without taking any sides either way at this time on this measure, I have been figuring from this little slip that comes into my hand that these chain stores sell some \$47,000,000 worth of goods and that they receive two million net income. That is about four and one-quarter per cent.

Now the question I would like to ask Mr. Roys is this: That four and a half per cent does not appear to me to be excessive. This is my question: Is not that tax inevitably coming out of the consumer?

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks a question through the Chair of the gentleman from Lewiston, Mr. Roy. The gentleman from Lewiston, Mr. Roy, may reply or not as he sees fit.

Mr. ROY: Mr. Speaker, I did not perfectly understand. Everything that goes into that store—all the

money that goes into that store comes out of the consumer. We know that the chain stores, the average per cent they make is two and a half per cent.

Mr. McGLAUFLIN: Mr. Speaker, if I may make myself clear—

The SPEAKER: The Chair will state that two members may not both have the floor at the same time. The gentleman from Lewiston, Mr. Roy, still has the floor.

Mr. ROY: I will let the gentleman reply.

Mr. McGLAUFLIN: I am not trying to oppose your bill; I am trying to get some information. If you add this tax, whatever it produces, isn't that additional tax coming out of the consumer by a raise in price?

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks a question through the Chair of the gentleman from Lewiston, Mr. Roy. The gentleman from Lewiston may reply or not as he sees fit.

Mr. ROY: Mr. Speaker, I do not perfectly understand. It comes out of the consumer. Of course all taxes naturally fall on the farmer. There is no tax you can get anywhere else. They are the foundation of everything. So that certainly comes out of them. And the lower prices we have come out of the farmer. Low prices to the consumer mean low prices to the farmer, and it is our farmers we are trying to get taxation relief for, if that clears up your point.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, that the House substitute the bill for the "Ought not to pass" report of the committee. All those in favor of the motion of the gentleman from Lewiston, Mr. Roy that the House substitute the bill for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being doubted, a division of the House was had.

Thirty-five having voted in the affirmative and 58 in the negative, the motion to substitute the bill for the "Ought not to pass" report did not prevail.

On motion by Mr. Jordan of Saco, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the fourth tabled and specially as-

signed matter, Bill "An Act Relating to Compensation of Justices upon Retirement" (S. P. 547) (L. D. 1129) tabled on April 14th by the gentleman from Anson, Mr. Fenlason, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Fenlason, the bill was given its third reading and passed to be engrossed in concurrence.

The Chair lays before the House "An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1942 and June 30, 1943" (S. P. 139) (L. D. 196) New Draft (S. P. 488) (L. D. 1014) being the third item on the advance printed calendar this morning, which was tabled at this morning's session pending reproduction and distribution of Senate Amendment "A." The question before the House is on the adoption of Senate Amendment "A." The Clerk will read Senate Amendment "A."

Senate Amendment "A" to S. P. 488, L. D. 1014, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943."

Amend said Bill by striking out in the 1st and 2nd columns of figures, the figures \$135,000" where they appear opposite the words "Emergency aid" in the paragraph headed "HEALTH AND WELFARE DEPARTMENT", and substituting in place thereof the figures '90,000'.

Further amend said Bill by striking out the figures "13,278,911.58" and "13,393,880.58" where they appear opposite the words "Total all appropriations", and inserting the following in place thereof '13,233,911.58' and '13,348,880.58'.

Thereupon, Senate Amendment "A" was adopted.

Senate Amendment "C" was then read by the Clerk as follows:

Senate Amendment "C" to S. P. 488, L. D. 1014, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943."

Amend said Bill by striking out in the 1st and 2nd columns of figures, the figures "170,000" where they appear opposite the words "Departmental Operations" under the head-

ing of "DEVELOPMENT COMMISSION" and substituting in place thereof the figures '150,000'.

The SPEAKER: The Chair recognizes the gentleman from Stan-dish, Mr. Hanold.

Mr. HANOLD: Mr. Speaker, I move that Senate Amendment "C" be indefinitely postponed.

In support of my motion, I will say to you, Ladies and Gentlemen, that after addressing you on April 3rd regarding the Maine Development Commission, I had no intention of rising in my place and addressing you again upon this speech.

Apparently, I feel in duty bound to do so, after the instruction of this Senate Amendment "C".

Let me say to you, at the outset, that my interest in this problem is not personal, I can say truthfully. My interest in the Maine Development Commission is only in what it can do for the State of Maine.

The Budget Committee and the Appropriation Committee have seen fit to recommend a reduction in the appropriation of the Maine Development Commission of \$15,000 from the amount which is being spent during this fiscal year.

Now, let us get this matter straight regarding the appropriations for the Maine Development Commission, and their participation in the World's Fair, which was taken care of by a special appropriation.

For the fiscal year 1937-38 and the fiscal year 1938-39 there was an appropriation for the Maine Development Commission of \$175,000, of which \$50,000 was ear-marked for products of these and agriculture, and an additional appropriation of \$25,000 for each of these two years for the World's Fair.

For the fiscal year 1939-40, the appropriation was \$200,000, with \$50,000 ear-marked for products of the sea and agriculture. For the fiscal year 1940-41 the appropriation was \$185,000 with \$50,000 earmarked for products of the sea and agriculture.

Now, those are true facts. This statement of appropriations was available. Any statement to the contrary was uncalled for.

There is one reason, and one reason only, for the existence of the Maine Development Commission, and that is to increase the income of the people of Maine.

I realize, as well as any man and woman in this House, that there is an economy wave sweeping around the State House, but do you realize — and I think you do — that the Maine Development Commission is the only income-producing department in the State of Maine. If you will analyze that statement of mine, I think you will find that I am telling exactly what is so.

Now, I will try not to repeat what I said to you on April 3rd — at least not too much.

It is estimated that the income in the State of Maine, in the recreational business alone, last year was approximately \$98,000,000. Every man, woman and child in the State of Maine gets some infinitesimal part of that, whether he be a grocer, a doctor, a lawyer, a dentist, a filling station operator, a grocery store man, or a man selling turnips. I think you will all agree with me that it is true.

Now, the Maine Development Commission is making a concerted effort to bring people into the State of Maine.

On your desks this morning was placed the latest publication of the Maine Development Commission entitled "Maine—The Place to Live." Ten thousand copies of that booklet are going to live prospects, in order to get them into the State of Maine — to build new property and to renovate old property, and thus increase the taxable value in the State of Maine.

So this is no time to retard the efforts of the Maine Development Commission in the work that they are doing.

They are making a concerted effort to get people to come to Maine to live,—not only just for the summer time but for all the year round. At the present time the Commission is negotiating with four different people in regard to building sporting camps in Maine. At least three of them have practically decided to go ahead with their plans.

In 1940, by the latest statistics available, over \$2,000,000 was spent in Maine, in renovating old farms and camps that had been abandoned for one reason or another. That was all spent in the State of Maine.

Now, we come to the most important phase, at the moment, of the Maine Development Commission, and that is in relation to industrial



activity, with special emphasis on that pertaining to defense interests.

I want to say to you that in the last few months the Development Commission has turned over to Maine industry many thousands of dollars worth of business that, without the Development Commission, it would never have had it at all. That business included orders for wood turnings, dowels, hardwood lumber, pine lumber and many other things. At the present time the Commission is negotiating with four different concerns who may build plants or occupy some of our vacant plants, within the next few months. Now, what is of more advantage to the people of the State of Maine than a new industry? You do not need me to answer that question for you.

Since the beginning of the defense emergency, we had our Industrial Engineer immediately start on this work. I can say to you, truthfully—and I can back up my statements with actual figures in the Commission office—during the month of March alone, due to the efforts of the Maine Development Commission's Industrial Engineer, \$300,000 worth of business was secured for our small machine shops. The Industrial Engineer has just returned from Boston. Tomorrow, perhaps he will go out on the road with two large prime contractors, trying to find places in the State of Maine to place large orders for machine parts, and so forth.

A survey has been made in our State—as in other New England states—regarding idle machine hours, so that when the Army and Navy have orders, it will know the number of machines available and the number of hours available. I think that is a worth while activity.

Now, I think what the Maine Development Commission has done toward advertising and popularizing Maine food products and products of the sea has been worth while.

A few weeks ago you had placed on your desk a bag of potatoes, with the State of Maine trademark. What made the Maine trade mark popular? Was it just simply because the potato grower, the packer, or shipper decided to say "State of Maine" potatoes? No, it was through the efforts of the Maine Development Commission in handling the potato tax fund. The men of Aroostook know well enough that without the

cooperation of the Maine Development Commission, their product would not so easily have been marketable.

Just as the gentleman from Saco, Mr. Jordan, said a few moments ago, it is a matter which concerns all of us. The men of Aroostook—and men raising other products—realize that they must have some method to move their surplus products.

You talk about the recreational business. The people in Rangeley, Belgrade, Moosehead, Mt. Desert Island, Boothbay Harbor, and from all other parts of the State—do they want to see their hotels, camps, tourist homes, garages, and stores, have less business? Do they want you to cut down the advertising program, at a time when all other states are increasing their advertising appropriations?

Now, if this appropriation is cut to \$150,000, it means a cut of \$35,000 from the appropriation that is being used the present fiscal year. This will mean curtailing our industrial efforts; it will mean cutting the amount allotted for space advertising in our recreational business right in half.

There is no reason or sense to it. Why not cut the activities of every other department?

We are now competing with other states for the recreational business. Do not think that we have any monopoly on that. Many of these states have a far larger appropriation than that of Maine for the present fiscal year. Do not forget that Wisconsin, Michigan, New Hampshire and Vermont, and many other states are competing for this business. You all know that they have attractions.

They may not have our great sea coast but they have good roads for traveling, fine lakes for fishing and beautiful hills or mountains.

Let us publicize the State of Maine. You ladies and gentlemen are all intelligent men and women. I trust to your judgment to handle this matter as it should be handled.

I hope my motion prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Standish, Mr. Hanold, that Senate Amendment "C" be indefinitely postponed.

All those in favor of the motion of the gentleman from Standish, Mr. Hanold, that Senate Amendment

"C" be indefinitely postponed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and Senate Amendment "C" was indefinitely postponed and the bill was assigned for third reading on the next legislative day.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, I move that we reconsider our action whereby we accepted the "Ought not to pass" report of the Committee on "An Act to Regulate the Shipment of Shell Fish" (L. D. 351), and in support of this motion I will say that I could not be heard on the other side of the House and that some, therefore, did not vote either way, because they did not know the reasons.

I am not going to weary you with any more remarks, but here is the situation: It takes about two years for clams to grow to a marketable size.

For two years, four miles of the Falmouth shore have been closed, not only for interstate shipment, but for any purpose,—presumably because of pollution.

Now come the Burnham & Morrill Company and the F. H. Snow Company and want these clams for canning. A ruling is made that they are not now polluted. Diggers for these two firms have been digging these clams since February 18th, and are digging them today.

These firms will soon complete this season's pack, and the clams will then be polluted for another two years, or until a new crop has had time to mature.

We are at present being compelled to maintain a clam nursery for the benefit of a few cannerys. We say that the cannerys now control that situation. It is a damnable situation, and should be corrected.

In conclusion, these are the main points of our argument.

No case of illness has ever been traced to these clams. We know that they are as good as any on the coast. We are not trying to interfere with any regulation regarding interstate shipment. All we are asking in this bill is the right to use these clams, and we think that is a reasonable request.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the House reconsider its action of yesterday, whereby it accepted the "Ought not to pass" report of the committee on Sea and Shore Fisheries on Bill "An Act to Regulate the Shipment of Shell Fish", being Legislative Document 351.

The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I did not intend to speak on this bill again, but I understand there are many in the House who do not know what this bill will do if passed.

If this bill were written right in the first place, and pertained to Falmouth only, I do not think there would have been much opposition to it.

But, as the bill is drawn, it is wrong, as it is far reaching and opens up all polluted and all condemned areas in the state.

That means that under the Pure Food Act, the Federal government will step in and stop all shipments of clams out of the State—whether fresh or canned—thereby putting cannerys and shippers both out of business, at a cost of thousands of jobs to those who depend on this business for a living.

I trust that the motion of the gentleman from Falmouth, Mr. Dow, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the House reconsider its action of yesterday, whereby it accepted the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I want to say just one word in rebuttal. If the Federal government is so interested in this pollution idea, why have they not stepped in and stopped the canning and shipping of those clams that has been going on for two months?

They have had time enough to find out the situation, if they did not know it. It has been published in the newspapers and is on record in the Portland Municipal Court.

If they are so interested, they have had an opportunity to take any action that they might see fit.

The **SPEAKER**: The Chair recognizes the gentleman from Yarmouth, Mr. Arzonico.

Mr. **ARZONICO**: Mr. Speaker and Members of the House: I am somewhat puzzled on the enforcement of this present law.

It seems to me that if the clam flats are closed for a period of approximately two years, and then they are opened,—does not pollution exist at the time they are opened?

My contention is that if in a two-year period they are claimed to be polluted, then why do not they continue to be polluted thereafter?

Well, it seems that somebody makes a ruling that at a certain time they are not polluted, and diggers come in there, I understand in large numbers — seventy-five or eighty diggers come in there at one time, and dig clams and supply the trade they are digging for. When the trade, I have been told, has all the clams they want, then somebody makes another ruling that the flats are polluted again.

Now, it does not seem to me that polluted conditions can fluctuate that way. That is rather confusing.

The **SPEAKER**: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. **HINCKLEY**: Mr. Speaker, I think that this matter is pretty thoroughly understood by the members of this House at the present time. I know that the members from Cumberland County have pretty thoroughly discussed it, and I believe that the other members have done likewise.

Now, if there is any fault with the present situation, I believe that it is a matter of administration.

We have a law at the present time to protect the health of individuals. I believe the law is proper, and is what we should have.

If there is faulty administration, then, I say that we ought to get at it from another angle, and not try to change the law as it exists at present.

Now, I believe that it is a health measure. We have given authority to the Health & Welfare Department and the Commissioner of Sea and Shore Fisheries, to designate certain territories within the State as polluted areas, when, in their judgment, they believe that the clams that are dug from those areas are polluted and contaminated and unfit for human consumption.

Now, it happens that in this particular area the ban has been lifted, and people are allowed at the present time to dig clams in that area.

The gentleman from Falmouth, Mr. Dow, should not object to that, because he has a right to dig clams there now, the same as anyone else does. And if canners are sending people there to dig clams, they have a right to do it, the same as anyone else has a right to do it.

Now there is no hardship on the residents of Falmouth. I want you to understand that if this bill is enacted, as he would have it go through, then all polluted areas in the State of Maine would be opened up to digging clams, because anyone would have a right to dig. I know in my section that I do not want those areas opened, because, when I buy clams, if those areas are opened, I do not know whether I am getting contaminated or poisoned clams, or not. And there are certainly areas in my section where clams would be unfit and I do not want those areas opened.

Furthermore, as has been said, it would deprive these people of all business in interstate commerce, because canners and shippers would not be allowed by the Federal government to send those clams in interstate commerce. I do not believe the canners in this State are going to cut their throats, by having all their shipments prevented from being sent over the State line. I do not believe it is possible. I think the gentleman from Falmouth, Mr. Dow, does not understand the situation. I think it is a health measure, and I, certainly, for one, do not want to see this go through.

The **SPEAKER**: The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. **McINTIRE**: Mr. Speaker and Members of the House: The issue here is not whether we shall open the flats in Falmouth. I believe if this motion of the gentleman from Falmouth is approved that all our clams from Maine in interstate shipment will be considered polluted. I believe the motion of the gentleman from Falmouth, Mr. Dow, should not prevail.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the House reconsider its action of yesterday whereby it ac-

cepted the "Ought not to pass" report of the committee on Bill "An Act Regulating the Shipment of Shellfish," L. D. 351.

Mr. DOW: Mr. Speaker, I ask for a division.

The SPEAKER: As many as are in favor of the motion of the gentleman from Falmouth, Mr. Dow, that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-one having voted in the affirmative and sixty in the negative, the motion to reconsider did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker, I move that the House reconsider its action taken earlier today whereby we passed to be enacted S. P. 542, L. D. 1126, An Act to Provide for Reissuance of State Highway Bonds.

In explanation of this motion, I would like to say that if this motion is carried then I will move to recede from our action whereby we passed this bill to be enacted and then move that it be laid on the table for further consideration.

I would like to say that information has come to me from a reliable source during the noon hour that the estimates of the Highway Commission as to certain needs for certain roads have been changed since we started working on our tax program. In view of this fact, and in view of the situation that has developed over the week-end relative to our road program, I would like to lay this matter on the table for further consideration pending passage to be enacted.

The SPEAKER: The gentleman from Dixfield, Mr. Holman, moves that the House reconsider its action taken earlier in today's session whereby it passed to be enacted, An Act to Provide for Reissuance of State Highway Bonds. (S. P. 542) (L. D. 126)

The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker and Members of the Ninetieth Legislature: I realize the futility of

defending a majority "Ought to pass" report, and I also realize the futility of speaking for a bill, because, so far, every time I have spoken you have defeated the measure. But I am sincere in this, and I believe this year we are offering you one of the greatest highway programs the State of Maine has ever seen.

In order for us to draw up the general highway program, it has been necessary for us to take into consideration two bond issues: First, the reissuance of Highway Bonds, and, second, bonds for Military Defense Highways. In taking this into consideration it has been necessary for us to await and see the outcome of these so-called bond issues before we are able to set up our highway program in its entirety.

I have not the information of the gentleman from Dixfield that certain road moneys have had to be changed here. In setting up the highway program, I think you will agree with me that in the past four or five years the maintenance money has not been sufficient to care for our roads in a proper condition. That is beyond question. Any of you people where roads are being maintained by the State today know we have to increase that maintenance money.

As far as the bond issue itself is concerned, may I say this: This is not a new issue of bonds; it is only a reissue of the old bonds. We are now paying off two million dollars of bonds this year and reissuing two million.

If you remember correctly, our old bond issue was matched by Federal funds, and in the reissue of these bonds today we are doing it to match Federal funds. It is taking \$400,000 for matching regular Federal funds and \$700,000 from the bond issue.

That gives us a total the first year of about two million dollars in round figures.

Now there is this much: There is expected from the Federal government in Washington a second allocation to the highways of Maine whereby we may get another allocation of \$886,000 allotted to the State Highways of Maine of which we will have to pay approximately another \$800,000, matching it somewhere on the basis of 60-40. This will cause us to issue \$1,500,000 bonds in the first year.

I say to you on that second allotment of money from the Federal government, if it is not taken up the second \$1,800,000 of bonds will not be issued until the time the Federal government offers us that \$660,000.

The second year we are taking \$600,000 from general highway funds and matching it, making a total bond issue of \$2,000,000.

Now I have no quarrel with the gentleman in trying to reconsider this, only to this effect: The entire program of ways and bridges, the entire program of the State of Maine for its highways today depends upon the passage of these bills.

Now we are all anxious to get out of here; I do not want to stay here any longer than you do, but if you defeat this bond issue then we must revamp the entire program of the State of Maine for its highways.

I think we have given you a fair program. We have given the small towns in the State of Maine the sum of \$500,000 to be spent entirely on State Aid roads for tar. We have maintenance for both years; we have allocated \$300,000 to the construction of main highways. I see no reason why at this time we should reconsider our action upon the bond issue, and I hope the motion of the gentleman from Dixfield (Mr. Holman) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, a day or two ago the gentleman from Unity, Mr. Farwell, spoke very eloquently in support of the half-cent gas tax, and other members of the Highway Committee spoke in support of it and they carried their thought in this body. Since that time, due to actions beyond our control, this gas proposal is quite dead.

Now it is felt by some of us that there may be some relation between the bond issue and the half cent gas proposition, so we felt we should pause to consider the two.

I should like to quote very briefly to give you the reason why I should like a chance to think the thing over, or go through the motions of thinking. I will quote an address made at the Maine Good Roads Association meeting in Augusta. Maine on "Politics vs. Engineering in

Maine's Highways", delivered at the Augusta House, December 17, 1940, by Arlyn E. Barnard, Manager, Maine Automobile Association, Portland, Maine. There is no question but what they are interested in the road program. He speaks in quite an uncomplimentary manner regarding legislation at large. He says,—and I quote:

"Putting it more frankly, the Legislature holds too many strings on the plan and procedure of our highway program. \* \* \* Let's make it as blunt as it really is—there is an excess of political meddling in Maine's highway planning and building accomplishments."

I am going to read you another little paragraph, where he speaks of the average legislator and how he gets through the session of the Legislature—particularly the House. I quote:

"Only then has the last piece of pork been removed from what once was a well stocked larder. Only in these closing moments has this much - prized reward been duly tagged with the name of the fortunate individual who having never said too much, having always spoken when he was told to speak, having always kept in line with never a moment's embarrassment for those from whom he has taken his orders, can now carry home the pork. Whether or not the money it represents is being spent wisely, it will find great favor in the eyes of his constituents and reflect later in votes should he decide to step from the House to the Senate, or from the Senate to some other State post."

Now I do not want to be of further embarrassment to a gentleman whom I have never met, so I would like to have you bear with me just a little while so I will not be accused, in the closing hours of the Legislature, of doing anything to prevent you from going home. So, perhaps to find a little favor in the eyes of the Highway people, I think it quite reasonable that this might be held for a little time until we can see what action is taken on the half-cent gasoline tax.

I know they say the total revenue of the State is 47 per cent used for the highways collected from taxes for motor vehicles. Then you drive up to a gas tank and buy five gallons of gas, and twenty cents of

that goes to the tax collector, so that you can have a road to drive on and commercial operators have a road. I think it is quite reasonable that this matter be held up, and I hope the motion to reconsider does prevail.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker, in reply to the gentleman from Houlton, Mr. McGillicuddy, I will say I did favor the half-cent gas tax in the House the other day in support of the so-called Holman bill. I rather think it is one of the things that would probably do us in the State of Maine a great deal more good than anything we can possibly imagine at the present time. It happened to be once in the last three weeks that I voted with the majority of the House; and then I found that unspeakable body at the other end of the building declared I was wrong. I am in favor of the gas tax, but I see absolutely no connection between the gas tax and this bond issue to match Federal funds.

I hope this House does not see fit to hold us up in getting out our program, which I am sure you people here in the House will be pleased with.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker, and Ladies and Gentlemen of the House: You are all very well aware of the fact we have been working during this term of the Legislature, many of us, to plan a real constructive program, both from the standpoint of roads and also from the standpoint of carrying on our State government and furnishing aid to those who are in need and to furnish some relief for the general property taxpayer. We put quite a lot of time into this, and we had a program which seemed to be meeting with the approval of most of the members of the Legislature. It was going along good, and we seemed to be going along with the idea we should reissue these other bonds and we should have a half-cent gas tax to carry out the provisions of another bill that we were all in favor of. We were advised by the members of the Ways and Bridges Committee that they had at their disposal a small sum of money that

could be used to help carry out the provisions of this Legislative Document 189.

Today, since we adjourned or recessed during this noon hour, I have been informed that they were planning to set aside \$500,000 of the general highway fund to tar State Aid Roads, which the gentleman from Unity (Mr. Farwell) has spoken of. They did not say anything at first about earmarking that so that it could be used for anything else, and the Highway Commission was in favor of that proposition. But when they began to talk that they were going to earmark that so that it could not be used for anything else, then the Highway Commission came out with the statement they had got to have more money for regular maintenance. This information had not been disclosed to the members of the committee previously.

Now over the week-end certain developments have taken place here that seem to have a tendency to upset the program we are trying to work out. In view of that fact, I am not in favor of going home until we do the job which we were sent here to do. I do not care whether it is a week or whether it goes into the month of June or July; and I have as much work to do at home as the rest of you.

I am in favor of reconsidering our action and having this matter laid on the table for a time.

The SPEAKER: The question before the House is on the motion of the gentleman from Dixfield, Mr. Holman, that the House reconsider its action taken earlier in the day whereby it passed to be enacted Legislative Document 1126. The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker and Members of the Ninetieth Legislature: In regard to the tabling of this measure, as Mr. Holman suggested, as reconsidering this measure to table it, as he suggested, I see no objection to doing that.

However, the money is all appropriated in the Highway Department, no question about that; and the amount of money that could have been taken care of part of the Holman bill would be for the benefit of town roads and the smaller towns entirely. We felt we were giving those towns a break and really helping

those small towns. For my part, I believe we should go along with that half-cent gas tax. If the Senate will reconsider—

The SPEAKER: The Chair will remind the gentleman that he must not refer to any action taken in the Senate.

The Chair will state at this time that the Chair believes the members are well aware of that rule and the Chair will expect them to observe it in the future without being reminded by the Chair.

Mr. OSGOOD (Continuing): I beg your pardon, Mr. Speaker.

I feel there may be some possibility of some measure being worked out in the future in regard to the Holman bill, which I believe is recognized by all of us in the Legislature as having merit. I think it is a worth while bill, and I believe in the near future there may be something worked out for the benefit of this Holman bill; therefore I am not opposed to the motion of the gentleman from Dixfield, Mr. Holman, to lay it on the table or reconsider it for the time being.

The SPEAKER: The question before the House, is on the motion of the gentleman from Dixfield, Mr. Holman, that the House reconsider its action taken earlier in the day. The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I wish to recall to this House the origin of this bond issue. Of course you know as well as I do that I am very little familiar with the road program; but you and I all know that this was the program that was brought in by the Chief Executive and submitted to this Legislature in a well thought out and carefully prepared program, fitting into the Federal government expectations and coinciding with the ideas of the Ways and Bridges Committee.

I wish to call that to your attention again. In connection with that, I want to say that although I come from the city I have gone along with the idea of this half-cent gas tax. We are not entirely dumb in the cities; we know we are going to pay the bills and the money will go to the country towns to relieve taxation. Still we believe in it; we think it is a worth while proposition. I have expressed my sentiments to the gentleman from Dixfield, Mr. Holman, along this

line, so my opposition is not vicious or hostile.

The gentleman from Houlton (Mr. McGillicuddy) has referred in his speech to "steamrolling". This proposition you can see very evidently is purely and simply logrolling. I hope the motion of the gentleman will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Dixfield, Mr. Holman, that the House reconsider its action taken earlier in today's session whereby it passed to be enacted Legislative Document 1126.

As many as are in favor of the motion of the gentleman from Dixfield, Mr. Holman, that the House reconsider its action will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Forty-six having voted in the affirmative and 69 in the negative, the motion to reconsider did not prevail.

On motion by Mr. Payson of Portland, the House voted to take from the table the first tabled and especially assigned matter, Bill "An Act to Prevent Fraudulent Advertising," S. P. 345) L. D. 662), which was tabled by the gentleman from Auburn, Mr. Conant, on April 10th, pending third reading, and retabled by the gentleman from Portland, Mr. Payson, earlier in today's session, in the absence of the gentleman from Auburn, Mr. Conant.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Conant.

Mr. CONANT: Mr. Speaker, I move the indefinite postponement of this measure, L. D. 662, "An Act to Prevent Fraudulent Advertising."

I would like to say at the very outset that this was one of the measures which was voted upon by this body with very little deliberation, in as far as the matter of discussion was concerned by this House.

I desire also to bring to the attention of the House that when the reports came out of Committee, the reports were evenly divided, so that there was a Report "A" and a Report "B."

I am not going into the geography of the matter and point out what persons from what districts voted with each report in the Committee; but I state the foregoing facts, only to establish this proposition that I do not believe the House has yet

given this bill its mature consideration.

I would like to point out again, at the very outset, that at the time this matter was presented for hearing before the Judiciary Committee, that only two instances were cited before that Committee, according to my information, where there have been any alleged incidents of misleading or fraudulent advertising in the State of Maine. So I do not believe that we have had presented to the Committee or to ourselves, as a body, any real reason for such legislation.

In the second place, I would like to point out that at the present time, there is already much legislation, both on the State statute books and on the Federal statute books, concerning the matter of fraudulent advertising.

I notice that in Section 1 of this bill that there is a statement to the effect that this bill includes the advertising of a misleading nature of securities, as well as certain other matters.

I feel that most every member of this body is conscious of the fact that at the present time we are well equipped to take care of such matters, because of the so-called Blue Sky Law statutes which are already on the books. I know of no recent situation where there has been any controversy regarding the matter of advertising securities in this state.

I want to point out, also, in regard to this matter of fraudulent advertising, that since 1873 the Postmaster General of the United States has had authority to keep from the mails all publications, including newspapers and any other kind of literature, which is fraudulent. The power is vested in the Postmaster General to refuse to newspapers which are publishing, or have published, fraudulent matter, the right to use the mails.

Of even more recent vintage is the Wheeler-Lea Act, so-called, which vests in the Federal government a great deal of power and authority concerning all matters of advertising.

It was brought to my attention that one opponent of this measure presented certain facts and figures of the recent compilation of work that was done—along with other general lines—by the Federal Trade Commission. The gentleman was Mr.

Hoey, of the Lewiston Sun Journal, and he gave me the following facts and figures, which he also presented to the Committee at the date of hearing:

This opponent said the Federal Trade Commission employed a large staff and studied 220,760 printed advertisements and 1,384,353 typewritten pages of radio commercials during a single year. As a result of this monumental labor, the Federal Trade Commission found only 679 advertisers made statements that they questioned and investigated. Of these, the Commission took formal action in only 271 cases.

I believe that it is also significant to point out that even if this were a national investigation, no action was taken in the case of any Maine advertiser.

I submit, as a third proposition that we have before us an act which is difficult of interpretation.

If you will look at this document, you will see that this bill states "that any advertisement which contains any assertion, representation, or statement of fact which is untrue and which is designed to be deceptive or misleading, shall be a misdemeanor." In other words, as a result of this bill, we would be putting onto the statutes another criminal offense.

And I submit to this group that even as a legal matter, it is very difficult to draw the line between an advertisement which has certain untruths in it and one which is misleading.

I believe that this bill falls in the same category as so many other bills that are presented before this group, which are cumbersome. You put them on the books and it becomes very difficult to find what you are looking for in the revised statutes, and they serve very little, if any, useful purpose.

I trust that if this body decides to take any positive action on this bill that they will take into consideration the three points which I have attempted to present here on the floor—especially this matter of the difficulty of interpretation.

I move the indefinite postponement of this measure.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Conant, that this bill be indefinitely postponed.

The Chair recognizes the gentle-



man from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: As one of the members who signed the Report A that was accepted on this bill. I feel that I owe it to the House members to give some of the reasons why I supported the measure.

There was just one opponent before the committee to this measure—the gentleman who has been referred to by the gentleman from Auburn, Mr. Conant, as being from some Journal advertising department.

So far as we can learn, no honest advertiser is objecting. We do have the support of every Better Business Bureau and we have the support of all the Chambers of Commerce that we could from them.

Only those who are interested in putting out advertising that is of a misleading nature are opposing this measure.

Bear in mind that this bill is so amended that it requires that the advertising not only be misleading—but designed by the advertiser to be misleading. In other words, it only hits the fellow who deliberately puts out misleading advertising for the very purpose of obtaining something from the public to which he is not entitled. In other words, he deliberately intends—he purposely intends—to defraud the public. Now, are we going to put our stamp of approval on that type of business?

We have all listened with a great deal of disgust, sometimes, to advertising that purports to cure every known ailment of man. We have listened to other advertising that is just as bad. We all know that there are folks who listen to these things and are inclined to believe them. They have listened to those advertisers and think it is a great thing, and they go down prepared to buy.

I do not believe that the State of Maine ought to permit this sort of advertising to continue. Why should we help anyone who deliberately goes out with the intent and design to defraud the public?

Now, if a person, in good faith, comes out with an advertisement without a design to defraud the public, even if it does contain misstatements, he is not prosecuted under this act.

Let me give you one illustration of how this false advertising can work, to get people into stores who

otherwise would not go to those stores.

I know of a certain merchant in a certain town who advertised a well-known line of coats, at a ridiculously low figure. A man who had bought a coat and paid the regular retail price, went to the merchant he bought it of and complained about it. He stated what figure he could get those coats for in the other store. The merchant then said, "I will give you a dollar over and above what you paid for every coat you can buy from that other store, between—" (and he gave certain sizes running up to 44.) The customer thought that was a great bargain. He rushed over to the other store to buy all the other coats that he could. What did he find over there? He found that the only coats the advertiser had of that make were size 46, a size he could not sell to anybody. Those were the only coats that he had, and yet he advertised to have that line of coats at a wonderful price, in order to deceive the public and get them into his store.

Now, that may or may not come under the provisions of this bill but I submit to you that that is the kind of fraudulent advertising that this bill is intended to hit, and it is intended to hit it hard.

I believe, in passing this bill, we have passed a bill which makes for progressive legislation and for clean commercial practices. I hope very much that the motion of the gentleman from Auburn, Mr. Conant, may not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. MCGLAUFLIN: Mr. Speaker, I am going to say just a word to support my attitude on this bill. I favor the passage of it.

I have had this case come to my attention! Some years ago I happened to be in the express office, and the expressman said, "Here is something that I want to show you." He showed me a little pamphlet, about the size of this paper that I am holding before you—perhaps five inches by two inches, and that pamphlet contained twelve pages. He said, "That book was just left here by a man who saw an advertisement of 'How to get Rich Quick'." That was widely advertised, and the price was \$5.00. He sent \$5.00, and he got that book.

I read its contents and the gist

of it was that if you want to get rich quick, buy wheat at thirty cents a bushel and sell it for sixty cents a bushel! Laughter)

I hope the motion of the gentleman from Auburn, Mr. Conant, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: As one of the five members who signed the "Ought not to pass" report, I rise to be branded as in favor of fraudulent advertising. (Laughter)

There has been much discussion in the State about fraudulent advertising. There has not been much in that discussion which would justify the passage of such a bill as this.

The gentleman from Livermore Falls (Mr. Grua) spoke of a man who advertised a certain line of coats, and found when he got there that there was only one size—size forty-six. I do not believe that anyone was hurt very much by that particular advertising.

The gentleman from Portland (Mr. McGlaflin) also has spoken of a book that was advertised on "How to get Rich Quick." I, of course, do not know how the person happened to find that book, but I venture to say it came through the United States mails, and our present law is adequate to take care of that situation, if it were enforced.

I think that if any one of you should pick up such magazines, perhaps, as "The Pathfinder," that go through the United States mails, you will find such advertisements as "You send in \$5.00 and your difficulties will be cured." It is very apparent that so far as the Federal government is concerned, they are not able to enforce it.

I want to give some reasons why I think it may have been difficult to enforce this law—the very question which has been raised by the gentleman from Auburn, Mr. Conant—that is, the difficulty of knowing just what is untrue, what is deceptive, and what is misleading.

I have here some advertisements which I took from the Portland Press Herald. Here is one—"Think of it—100 Easy Shaves—or your money back." Now, one of the members of the House has advised me he has used these razor blades, and

he says that they are wonderful blades. I have not, as it happens, tried these particular blades. I do know—and I am not advertising for Gillette when I say this—that I would not shave, personally, except with the Gillette thin blade, and my neighbor will not touch them at all and he would consider it almost a fraud to suggest to the public that those blades were fit to use.

Now, I have found, also, an advertisement by Porteous, Mitchell & Braun for waterless cooking. Also, here is an advertisement for a face cream that is supposed to give a soft, matte finish of dewey velvet.

Here is another ad that says that the cutlery that is sold is stainless. All of these articles are advertised by Porteous, Mitchell & Braun.

Now, supposing you had two different customers who get entirely different reactions as to those articles. One might say that the steel was not stainless, if it happened to come into contact with certain acids. Or, if a lady who had a complexion that nothing could help, might say that the advertisement was fraudulent.

The real damage of this would be this—not that you could prosecute successfully Porteous, Mitchell & Braun, but that they could be brought into court and their reputation very seriously damaged by someone who said that they were advertising fraudulently.

That is the reason why I, personally, signed with five other members of the Judiciary Committee the "Ought not to pass" report.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Conant, that the bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I rise in support of Brother Williams' suggestion, as I signed the "Ought not to pass" report with him.

Definitely, there are some things you cannot legislate. You cannot legislate to take care of all the mistakes we may make in the course of our lives.

We have a principle in law known as "caveat emptor"—let the buyer beware. The buyer must necessarily be on his guard before he passes any money over for goods. I think that however meritorious the principle may be of those who intro-

duced the bill, we cannot legislate to take care of every person who wishes to buy something, so that he will not be fooled. I think we have sort of a constitutional right to be gyped. I know I have been fooled a good many times in buying things, and I think it was nobody's fault but my own. Many people have spent money for hair tonics, yet those who sell those goods know they probably will not accomplish the desired end.

I remember a short time ago there was an advertisement saying, "Send ten cents and learn how to get rid of bedbugs." A man sent ten cents, and the reply came back saying: "Place the bedbug on a block of wood and press him firmly with another block of wood." (Laughter) That was true, of course; you got rid of the bedbug.

I believe further that the more legislation we get on the books of this type the more we tend to limit and curb the freedom of the press. I feel that publishers should not be continually in fear of suits.

I think under a bill of this kind many groundless suits would be brought against newspapers and advertisers. I think the public, pretty generally, in buying things at the store or through the mail, has got to look after itself.

We know the Federal government protects in a large measure the use of the mails. I believe this would be the "opening wedge" which Brother Payson has spoken of. When you are speaking for a new measure, an innovation, and you like it, as one member pointed out the other day, it is a step forward and a step in the right direction; but if you do not happen to like it, it is an "opening wedge"; and I think this might be in practice an opening wedge used by some stores against other stores to bring suits. And you know the mere fact you have sued damages the reputation of a store. Regardless of the merits, I think we should hesitate a good deal before we pass such a measure as this.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of this House: It is your misfortune and mine that my sense of duty compels me to attempt to sustain the report I signed in favor

of this bill. I wish that we did not too often believe here in the House, when we are attempting to legislate, that all the rest of the people in the State are fools and they cannot administer laws with a little discretion. I wish that we in the Legislature would come to the conclusion that there are a lot of people who are not in the Legislature who can use common sense in administering the laws that we pass.

This particular measure that we have here is a preventive measure. Ordinarily under fraudulent advertising and things of that sort you have to go in and get gyped first and bring your suit afterward. This would furnish a club which might prevent a lot of people from getting gyped.

I venture to say that all the figures quoted by my Brother from Auburn, Mr. Conant, referred to national advertising that is constantly under the scrutiny of the Federal Trade Commission, and they know enough to keep their stuff right.

This bill is aimed at little, snide dealers who are trying to gyp you locally on fire sales, bankrupt sales and that stuff they put out. This bill is not at all hard compared to a lot of laws I have seen. I do not believe anyone is really worried about that. In regard to the statement that publishers might be prosecuted and be the subject of groundless suits, I want to call your attention to the last part of the bill: "This act shall not apply to any radio station, publisher of a newspaper, magazine or other publication who publishes said advertisement in good faith without knowledge of its false, deceptive or misleading character." So I do not think there is anything to that argument.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker, I know little about the legal aspects of this bill, but we have Better Business Bureaus all over the State of Maine and in the country, and, without any exception, those Better Business Bureaus believe that bills of this type are desirable, that they help the purchasers in the different cities and towns where they have such a law. Several of the better, more prominent merchants in my city are, in favor of this law, and I

am in favor of the passage of this bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Porrell.

Mr. PORRELL: Mr. Speaker and Members of the House: I have been here for three terms, and I have yet to see a law which favored the small merchants. Apparently the large stores are the only ones that are benefited. If it is any help to the small merchant, I would be for it 100 per cent.

I do not agree with the remarks of the gentleman from Livermore Falls, Mr. Grua, because I believe that a merchant has a right to advertise anything he has got in his store. I do not care whether it is a size fifty-six. If he has got a size fifty-six coat, he has a right to advertise those coats. There is no law in the world that can make him say how many of these coats he has got. A customer could come in and find out how many, and what sizes he has got.

Now, as far as the remarks of the gentleman from Portland, Mr. McGlauffin, are concerned, when he said someone sent in \$5.00 for a pamphlet called "How to Get Rich Quick," all I can say is that if a man was a sucker enough to pay \$5.00 for a book on "How to Get Rich Quick," he certainly deserved to get trimmed.

I am only a small merchant, that is all. Now, I have been here for six years. I have been trying to say something on the Chain Store bill, and I did not get a chance, because we were not organized.

Now, I do say that something has got to be done for the small merchants. If not, they and all of the big ones, too, will be tramping the streets as paupers.

I say this bill should never pass, if it will take away from the small merchant the chance of advertising his goods. If the big fellow does not like it, he has got the same chance.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn. Mr. Conant, that this bill be indefinitely postponed. As many as are in favor of the motion of the gentleman from Auburn. Mr. Conant, that this bill be indefinitely postponed will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had. Sixty-six having voted in the af-

firmative and 31 in the negative, the motion prevailed and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion by Mr. Slosberg of Gardiner, the House voted to take from the table the twenty-second tabled and unassigned matter, Bill "An Act Relating to Licensing of Dogs" (H. P. 1911) (L. D. 1144) tabled by that gentleman on April 11th pending second reading; and on further motion by the same gentleman, the bill was given its second reading and tomorrow assigned.

On motion by Mr. Leveque of Lewiston, the House voted to take from the table the fourteenth tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Requiring Owners of Motor Vehicles to Furnish Security for their Civil Liability on Account of Damage caused by their Motor Vehicles" (S. P. 349) (L. D. 665) tabled by that gentleman on April 10th pending acceptance in concurrence; and on further motion by the same gentleman, the "Ought not to pass" report of the committee was accepted in concurrence.

On motion by the gentlewoman from Bath, Miss Deering, the House voted to take from the table the eleventh tabled and unassigned matter, House Report, "Ought not to pass" of the Committee on Temperance on Bill "An Act Forbidding the Sale of Liquor to Certain Persons" (H. P. 1600) (L. D. 916) tabled by that gentlewoman on April 8th, pending acceptance; and on further motion by the same gentlewoman, the "Ought not to pass" report was accepted and sent up for concurrence.

On motion by Mr. Murchie of Calais, the House voted to take from the table the sixth tabled and unassigned matter Senate Report "Ought to pass in new draft" of the Committee on Public Health on Bill "An Act Providing State Services for the Blind" (S. P. 328) (L. D. 954) New Draft (S. P. 540) (L. D. 1115) tabled by that gentleman on April 8th, pending acceptance in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Members of the House: There never was any intention on the part of the committee that this bill did not have certain merit. I simply again call your attention to the fact that if it has passage it means setting up a supplemental bill of \$5000 for each of the current years for aid to the blind. My reason in tabling it was that they might be able to take care of that service without additional appropriation, but I am not disposed to do anything further with it.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, this was signed unanimously by the Committee on Public Health, "Ought to pass." As many of you know, we are paying a great deal of money by way of supplementary aid to the blind of this State, and we are paying, I believe, the largest amount in pensions to the blind of any State in the United States. On the other hand, we have not done very much to help our blind so that they will be able to preserve their self-respect, and be the citizens we want them to be, and so they can engage in some trade in which they are trained, and so they can make products by hand and market those products.

Now it is true that this bill calls for an appropriation of five thousand dollars a year.

This is not a large amount but it does start toward this program of rehabilitation of the blind, and would permit a highly trained worker with assistants helping the blind to make adjustments toward employment, and would provide a program of service.

Now I think I have as much of an eye to economy as any person in this House, but I believe the amount we spend in this direction would be real economy in that in the long run it would relieve the pension law by taking away from our blind the curse of idleness and helping them to support themselves.

I move, Mr. Speaker, that the "Ought to pass" report of the committee be accepted.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that the "Ought to pass in new draft" report of the committee be accepted. Is this the pleasure of the House?

The motion prevailed and the "Ought to pass in new draft" report of the committee was accepted, and the bill was given its two several readings and tomorrow assigned.

On motion by Mr. Payson of Portland, the House voted to take from the table the thirteenth tabled and unassigned matter, House Amendment "A" to Bill "An Act Relating to Licenses and Permits for Outdoor Advertising" (H. P. 1153) (L. D. 357) tabled by that gentleman on April 9th, pending adoption.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Megill.

Mr. MEGILL: Mr. Speaker, I would like to move to withdraw House Amendment "A" to Legislative Document 357, in order that I may submit House Amendment "B."

The SPEAKER: The gentleman from Belgrade, Mr. Megill, asks leave to withdraw House Amendment "A." Is this the pleasure of the House?

The motion prevailed, and House Amendment "A" was withdrawn.

Mr. Megill then offered House Amendment "B" and moved its adoption.

House Amendment "B" to H. P. 1153, L. D. 357, Bill "An Act Relating to Licenses and Permits for Outdoor Advertising."

Amend the second paragraph of section 1 thereof by drawing a line through the figure "\$1" and inserting in place thereof the underlined figures "\$1.50",

and by drawing a line through the figure "\$2" and inserting in place thereof the underlined figure '\$3',

and by drawing a line through the figure "\$3" and inserting in place thereof the underlined figure '\$4',

and by drawing a line through the figure "\$4" and inserting in place thereof the underlined figure '\$5',

and by drawing a line through the figure "\$5" and inserting in place thereof the underlined figure '\$6',

and by striking out the underlined figure "\$6" and inserting in place thereof the underlined figure '\$7',

and by striking out the underlined figure "\$7" and inserting in place thereof the underlined figure '\$8',

and by striking out the underlined figure "\$8" and inserting in place thereof the underlined figure '\$9',

and by striking out the underlined

figure "\$9" and inserting in place thereof the underlined figure '\$10',

and by striking out the underlined figures "\$10" and inserting in place thereof the underlined figures '\$11'.

Further amend said bill by striking out section 2 thereof and inserting in place thereof the following:

'Sec. 2. P. L., 1935, c. 163, par. 6, amended. Section 6 of chapter 163 of the public laws of 1935, as amended by section 2 of chapter 179 of the public laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 6. Limitation on granting of permits. Except within the compact section of a city or town no permit shall be granted for the erection, construction or maintenance of any outdoor advertising structure, device or display within a distance of 300 feet of the intersection or junction of a highway with another highway, or with a railway or street railway, at a point where it would obstruct or interfere with the view of a train, street car or other vehicle on the intersecting or joining highway, railroad or street railway, or within 300 feet of any public park, reservation, public forest, public playground, school, church or cemetery and in public view therefrom; or within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion; or which is or shall be painted upon or annexed to any rock or tree within the prohibited area. No permit shall be granted for the erection, construction, or maintenance of any outdoor advertising structure, device or display on any public highway, park or other public property; or which in the judgment of the commission is or would be injurious to property in

the vicinity thereof, or injuriously affect any public interest, or endanger the safety of persons using any highway; or in a place wherein the erection, construction or maintenance thereof is or shall be prohibited by any municipal ordinance or regulation; or upon real property owned by or leased to a person other than the applicant, except with the consent of such owner or lessee. No permit shall be granted or renewed for the further maintenance of any billboard, sign or other advertising device unless the front, back, braces, anchors and latticework thereof are kept in proper condition.'

Further amend said bill by striking out the crossed out words in the second paragraph of section 3 thereof and inserting in place thereof the following: "'Compact" defined. These regulations shall not apply to outdoor advertising in the compact or built-up section of any town or city of over 5000 population but such advertising is subject to regulation by town or city by-laws or ordinances. The compact or built-up section of any town or city shall be the territory thereof contiguous to any way which is built up with buildings devoted to business or where the dwelling houses are situated less than 150 feet apart for a distance of at least 1-4 of a mile.'

Thereupon, House Amendment "B" was adopted and the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. If there are no further matters to come before the House under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Teel of Long Island Plantation,

Adjourned until ten o'clock tomorrow morning.