

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 22, 1941.

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

Prayer by the Rev. Mr. Rice of Hallowell.

Journal of the previous session read and approved.

Senate Reports

Final Report

Final Report of the Committee on Public Utilities

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve Authorizing the Purchase of Property for the State (S. P. 327) (L. D. 691) reporting same in a new draft (S. P. 558) (L. D. 1160) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, and the Resolve read once and tomorrow assigned.

Petition Placed on File

Petition of the Bingham Townsend Club No. 1 of Bingham urging the Legislature of the State of Maine to Memorialize Congress in favor of H. R. 1036 known as the Townsend Bill (H. P. 1926) (Presented by Mr. Dutton of Bingham)

Was ordered placed on file and sent up for concurrence.

House Reports of Committees

Divided Reports

Report A of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Recreating the Bureau of State Institutions" (H. P. 246) (L. D. 85)

Report was signed by the following members:

Messrs. HINCKLEY of So. Portland
GRUA of Livermore Falls
PAYSON of Portland
BRIGGS of Hampden
MILLS of Farmington

—of the House.

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

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec

HARVEY of York

—of the Senate.

McGLAUFLIN of Portland

WILLIAMS of Bethel

—of the House.

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

Mr. McGLAUFLIN: Mr. Speaker, I move the acceptance of the "Ought not to pass" report.

I will simply say in regard to this matter that two years ago these two departments were separated and this is an attempt to put these two departments back, and I can see no good reason for doing so, especially where there is some contemplation of investigation of these departments to see what is best to be done. That is all I have to say on the matter.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the committee.

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

Mr. PAYSON: Mr. Speaker, I am of course opposing the motion of the gentleman from Portland, Mr. McGlauffin. This is a bill that I introduced myself, and I think perhaps a little further explanation of it may be in order.

In 1933 the Department of Health and Welfare was set up, including under that department three bureaus, the Bureau of Health, the Bureau of Welfare and the Bureau of Institutional Service. That was the recommended set-up, and the experts who made the study for Governor Gardiner suggested as a proper set-up of the welfare work that these three bureaus be included under one head in the Department of Health and Welfare.

I come down to 1939, and it is a story that I do not like to relate, but it throws more light on how this bureau became a department than anything else possibly can, and it also explains very fully why I am trying to make this department a bureau again.

In 1939 there was a feeling in this Legislature that money could be saved in the Health and Welfare if we had a new head for that department. The proposition was put up to the then Governor. He said—and I know whereof I speak, because I was in his office when he said it: "The gentleman who is the head of this department has served the State long and faithfully; I do not want to discharge him. You create a new job of equal rank to the one from which you have taken him and I will give you a new man to head Health and Welfare."

Now it may be that the Legislature went ahead and created the Department of Institutional Service from the highest motives, for the purpose of doing better work, but it looked to me as if they did exactly what they were told to do. They created a new department for no reason on earth but to keep a man in a job, because the Governor would not have fired him otherwise. So naturally I propose that department be put back as a bureau under the Department of Health and Welfare.

You have heard some testimony in this House about the number of department heads we have compared with the size of the State. You now have this department created unnecessarily, with a Commissioner of Institutional Service and directly under him a Director of Institutional Service, each stumbling over the other's feet, one over the other, two executives heading up the same department. This bill, if it goes through, will abolish the job of Commissioner of Institutional Service and will leave that department a bureau with a director, just as it was in its origin in 1933 and just as it ought to be now. It is a saving of at least five thousand dollars in salary; it is coordinating the department as it should be. I therefore oppose the motion of the gentleman from Portland, Mr. McGlauffin.

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

Mr. WILLIAMS: Mr. Speaker, it has been intimated that the 89th Legislature built a platform for someone to stand on and apparently now they want the 90th Legislature to kick the platform out. That is the gist of the argument, as I

understand it, from the proponents of this measure.

Now I do not know whether that may have entered into it or not, but I think likely that may have entered into the picture. I do want to call attention to the reason for its passage so far as the 90th Legislature is concerned, or what I believe to be the reason. I would like to read from the report of that committee to that Legislature. You recall there was a joint select committee appointed with the thought in mind that that joint select committee would effect some economies, and that joint select committee is the one referred to here, and this report from which I read is the report of the Committee on Appropriations and Financial Affairs, and they are referring to this bill which would now be repealed.

"Your Committee also offers at this time a bill which has been drawn after many and varied consultations and discussions with the Executive Department, the Special Joint Legislative Committee, the Committee on Appropriations and Financial Affairs and Dr. Carl E. McCombs of the Institute of Public Administration. The bill is designed to reduce to some extent the size of the Department of Health and Welfare in order to facilitate such reorganizations and adjustments as may be necessary in the best interests of the State of Maine.

"The Committee presents the attached joint order and bill and most respectfully urges you to support us in its recommendation Ought to pass."

That is signed by the Chairman of the Committee on Appropriations and Financial Affairs.

I simply want to make clear the reason why I believe the 89th Legislature did pass this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the Committee. Is the House ready for the question? All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the Committee will say aye; those opposed no.

A viva voce vote being taken, the motion to accept Report B. "Ought not to pass" did not prevail.

On motion by Mr. Payson of Portland, the House voted to accept Report A, "Ought to pass"; and on further motion by the same gentleman, under suspension of the rules, the bill was given its first two readings and tomorrow assigned for third reading.

House Divided Reports Tabled

Majority Report of the Committee on Education on the following Resolves:

Resolve in favor of Berwick Academy (S. P. 113)

Resolve in favor of Coburn Classical Institute (S. P. 133)

Resolve in favor of Parsonsfield Seminary (S. P. 142)

Resolve in favor of Ricker Classical Institute (S. P. 144)

Resolve in favor of Oak Grove School in the town of Vassalboro in the County of Kennebec (S. P. 233)

Resolve in favor of the Junior College Department of Oak Grove School in the town of Vassalboro in the County of Kennebec (S. P. 234)

Resolve in favor of Limington Academy (H. P. 464)

Resolve in favor of Robert W. Traip Academy (H. P. 465)

Resolve in favor of Erskine Academy (H. P. 616)

Resolve in favor of Monmouth Academy (H. P. 793)

Resolve in favor of Monson Academy (H. P. 794)

Resolve in favor of Corinna Union Academy (H. P. 1127)

Resolve in favor of Freedom Academy (H. P. 1126)

Reporting a Consolidated Resolve A under title of "Resolve in favor of Several Academies, Institutes and Seminaries" (H. P. 1927) and that it "Ought to pass"

Report was signed by the following members:

Messrs. SANBORN of Cumberland
—of the Senate.

PRATT of Turner

HAMILTON of Hartland

ROBIE of Auburn

SMALL of East Machias

Mrs. GRADY of Whitefield

Miss DEERING of Bath.

—of the House.

Minority Report of same Committee on same Resolves reporting a Consolidated Resolve B under title of "Resolve in favor of Several Academies, Institutes and Seminaries"

(H. P. 1928) and that it "Ought to pass"

Report was signed by the following members:

Messrs. HODGKINS of Hancock

BISHOP of Sagadahoc

—of the Senate.

WORTH of Stockton Springs

—of the House.

(On motion by Mr. Pratt of Turner, both reports were tabled pending acceptance of either report and the two Consolidated Resolves ordered printed)

Placed on File

Mr. Payson from the Committee on Judiciary on Remonstrance of Hazel C. Lord and 114 others against L. D. 521 "An Act relating to Powers and Duties of the State Personnel Board" (H. P. 1920) reported that same be placed on file.

Report was read and accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to the Personnel Law" (H. P. 1445) (L. D. 759)

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

Amended

Bill "An Act Creating a Tax on Cigarettes" (H. P. 1925) (L. D. 1164)

Was reported by the Committee on Bills in the Third Reading, and read the third time.

Mr. Richardson of Strong, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1925, L. D. 1164, Bill "An Act Creating a Tax on Cigarettes."

Amend said bill by inserting after section 15 a new section as follows:

'Sec. 16. **Appropriation.** The revenue derived from the tax imposed by this act is hereby appropriated for the payment of old age assistance; provided, however, that all the expenses incurred by the state in carrying out the provisions of this act shall be paid out of the aforesaid revenue.'

Further amend said bill by correctly renumbering Section 16 of the bill.

Thereupon, House Amendment "A" was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Richardson, the bill was ordered sent forthwith to the Senate.

On motion by Miss Deering of Bath, the House voted to suspend Rule 25 for the remainder of today's session, in order to permit smoking.

**Passed to be Engrossed (Continued)
Amended Bills**

Bill "An Act relating to School Equalization Fund" (S. P. 293) (L. D. 504)

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.

Tabled

Bill "An Act Amending Certain Laws to Limit Powers of the Council" (H. P. 99) (L. D. 64)

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

Mr. BRAGDON: Mr. Speaker, this bill is quite long and complicated, and, before it goes along to final passage, I should like to understand it better than I do, in order to vote intelligently on it. I wonder if some member of the Judiciary Committee would be willing to go through the bill with this House section by section and enumerate the various duties of the Governor's Council which this bill cuts out.

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

Mr. PAYSON: Mr. Speaker, in order to perhaps be helpful to the House in the consideration of this measure, I would be willing to say that in general the committee had three different ideas in mind in the reduction of the powers of the Council.

Several of the duties that we cut out or attempt to cut out by this bill were purely ministerial duties; they did not belong to a body so important as the Governor's Council should be. There were certain other duties of the Council where I suspect they were acting as sort of an employment agency for the underlings working in the State departments and perhaps in interference with the administration of the

Personnel law. This fixing of minor salaries and employment of minor employees constituted a certain amount of political interference. In the major part of the Council's duties, their constitutional duties to confirm the appointment of judicial officers and give confirmation to the appointment of department heads, we have made no change whatsoever. Any department head who is to be appointed hereafter, if this bill passes, will have to be appointed by the Governor as at present and confirmed by the Council.

Now this bill, L. D. 64, says in the first section to strike out from the different referred-to sections the words "and Council," and there is printed a long list of references to the Revised Statutes. I have a very short description of what each one of these different references means. The committee did not have the bill in this form for the purpose of hiding from you what it meant, but the printing of all those statutes which are in by reference would take twenty-five pages, and we felt that anyone who was interested might be able to look it up. We have looked it up, and, if you wish, I will go through the very brief explanation of what has been done. Remember that in each case it means that the Council has been cut out; the Governor has been left in, because it is almost invariably "the Governor and Council", and the functions of the Council have been taken out.

First is the authority to discontinue expendable state funds, whatever that means.

2. Transfer of appropriations in same department.

3. Purchase unmaturing state bonds.

4. Reduction or suspension of license fees of board or commission.

5. Approval Adjutant General's bond.

Now just let me pause there a moment. You know very well how the Adjutant General's bond must go first to the Insurance Commissioner to see if it is by the proper company, and, second, to the Attorney General, to see if it is in the proper form. What in the world has the Council got to do except to rubber-stamp it? That is typical of the things we have cut out.

6. Fix salary state quartermaster
7. Approve appointment Deputy Commissioner Agriculture

8. Approve raise in salary of Commissioner \$3000-\$4000
 9. Bounties to Agricultural Societies
 10. Approve payment expenses under Farm Land Loans Act
 11. Fix duties — compensation— clerks — Milk Control Board
 12. Fix duties and compensation deputies — clerks — Banking Department
 13. Approve employment and fix salaries of bureau chiefs — clerks— Department of Education
 14. Approve organization of Department of Education into bureaus
 15. Approve Commissioner's bond
 16. Approve Commissioner's rules for school privileges of children in unorganized territories
 17. Approve reimbursement from federal funds for part time continuation schools
 18. State aid to academies
 19. Payment to academies instruction beyond secondary school
 20. State aid to towns maintaining industrial schools
 21. Appoint Deputy Commissioner — Inland Fisheries and Game
 22. Approve raise in salary of commissioner \$3000-\$4000
 23. Appoint Wardens
 24. Approve bond of Commissioner of Forestry
 25. Fix number of clerks and compensation
 26. Designate time for audit of his accounts
 27. Rate of pay persons fighting forest fires
 28. Appoint state entomologist
 29. If Treasurer neglects for ten days to file bond — declare office vacant
 30. Approve State Treasurer's participation in bank reorganization
 31. Fix amount Secretary of State's Bond
 32. To receive Secretary of State's annual return of fees
 33. Approve raise in salary of state librarian \$3000-\$4000
 34. Appoint Deputy Insurance Commissioner
 35. Approve exchange of securities deposited by companies with treasurer
 36. Approve employment — compensation — employees of liquor Commission
 37. Same as to Inspectors
 38. Bureau chiefs — employees— Health and Welfare
 39. Fix charges for use of State Laboratory
 40. Pay compensation to Superintendents of Indian Schools
 41. Bureau chiefs — employees— Department of Finance
 42. Salaries of Bureau Chiefs— amount of their bonds
 43. Appoint inspectors of fish
 44. Approve appointment employees Institutional Service and fix compensation
 45. Approve appointment parole officers
 46. Approve employment supervisor of construction
 47. Approve appointment subordinates and special attorney — Unemployment Compensation Commission
 48. Fix salaries clerk and reporter of industrial accident commission
 49. Direct expenditures for books —supplies—Public Utilities Commission
 50. Approve appointment deputy chief state police
 51. Duties Chief of State Police under direction and approval
 52. Rules for discipline State Police—approve
 53. Employ assistants in Old Age Assistance
 54. Approve bonds—audit—allow expenses State Racing Commission
 55. Approve compensation fixed for personnel director
 56. Approve rules and regulations for eligible assistants, classifications, compensation
 57. Approve hiring employees— Maine State Park Commission
 58. New bond from any state official
 59. General authority to fix the amount of bonds of persons handling public moneys
 60. Approve payments to towns for burial expenses of soldiers and sailors
 61. To approve expenses of Maine Historical Society for original records.
- That list covers these laws that are in here by reference only. The rest of the changes are written out here in the bill and you can read them and perhaps understand them as well as I do. But, in general, we have tried to take the Governor's Council out of the employment agency business and keep them from interfering by political means in the appointment and salaries of employees. We have tried to keep them in the place where they belong, in the confirmation of

appointments of major offices and major heads of departments.

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

Mr. BRAGDON: Mr. Speaker, I move this bill lie on the table.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the bill lie on the table pending third reading. Is this the pleasure of the House? All those in favor of the motion of the gentleman from Perham, Mr. Bragdon, that this bill lie on the table 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 affirmative and 22 in the negative, the motion prevailed and the bill was tabled pending third reading.

**Passed to be Engrossed (Continued)
Amended Bills**

Bill "An Act relating to Apportionment of School Funds" (H. P. 462) (L. D. 200)

Bill "An Act to Incorporate the Wiscasset Foundation" (H. P. 1156) (L. D. 501)

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

The SPEAKER: If there is no objection, the bills will be sent forthwith to the Senate.

The Chair hears no objection, and the bills will be sent forthwith to the Senate.

The SPEAKER: Is it the pleasure of the House to take up out of order and under suspension of the rules and additional paper just received from the Senate?

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 645, L. D. 281, Bill "An Act to Provide Better Government for the Town of Bar Harbor" be recalled from the files of the Secretary to the Senate for further action thereon. (S. P. 564)

Came from the Senate, in that body read and passed.

In the House, the order received passage in concurrence.

Passed To Be Enacted

An Act relating to Vital Records (S. P. 409) (L. D. 822)

An Act to Incorporate the Patten School District (S. P. 525) (L. D. 1089)

An Act relating to the Liability of Relatives to Support Recipients of Public Assistance (S. P. 861) (L. D. 668)

An Act to aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives (H. P. 350) (L. D. 137)

An Act relating to the Acceptance of Zoning Laws (H. P. 1904) (L. D. 1135)

An Act relating to Licensing of Dogs (H. P. 1911) (L. D. 1144)

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

Finally Passed

Resolve for the Purchase of Copies of "The Old Man of the 103rd" (H. P. 1184) (L. D. 1113)

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.

Orders of the Day

The Chair lays before the House the first tabled and today assigned matter "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1783) (L. D. 1033), tabled by the gentleman from Turner Mr. Pratt, on April 18th, pending its passage to be enacted; and the Chair recognizes that gentleman.

Mr. PRATT: Mr. Speaker and Members of the House: I will say that I studied this bill somewhat over the week-end, and I will be very frank to admit that I know very little about it now, after studying it. In order to bring this up before the House, I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Turner, Mr. Pratt, moves the indefinite postponement of this bill.

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

Mr. PAYSON: Mr. Speaker, it looks to me as if it were going to be my tough luck that I am going to be talking all this morning.

What I shall say on this bill will probably be, to some extent, a reiteration of what I said two months ago on the bill. Two years ago, some members of the Legislature recognized the fact that the State has a

non-contributory pension system, and they were not at all sure just where the State was going on that system, so a Recess Committee was appointed from the 89th Legislature, to study the State system, and to see if they could report some system which seemed to the committee to be better.

I was a member of that committee. We studied the system carefully. We hired an actuary of national repute to do most of the work. In setting up pension systems, or even in discussing pension systems, it is no use for the layman to try and find out what it is all about. At least we came to that conclusion. We just could not figure it out ourselves. We had to hire an expert in that line.

This Mr. Buck, who did this work for the committee, and reported his results to us from time to time, and discussed it with the committee, is an actuary for Massachusetts in the contributory pension system, and in New York and Ohio for certain industrial and banking organizations that have the contributory pension systems. As I say, he is a nationally known authority on this subject.

You have, on your statute books today, which you will find in the first section of this law that is revoked, Chapter 1 of the Public Laws of 1933, Sections 227 to 233 inclusive, a law that provides a one-half pay pension for most of your State employees, excepting the teachers, after twenty-five years of service, or a half-pay pension after twenty years of service and the employee has reached the age of seventy.

Our study shows us conclusively that this is a most extravagant system. It is a non-contributory system, and it provides this half-pay pension after twenty-five years of service, or a half-pay pension after twenty years of service and the employee has reached seventy. I will tell you very frankly, if you work that out on an actuarial basis, you will find yourself going into a proposition where the State will be paying around \$600,000 a year for these pensions.

The pension appropriations for this biennium are almost double what they were two years ago. They have jumped from \$40,000 to \$70,000 in the present appropriation bill.

Twenty-five years of service and a half-pay pension after that period of time is extravagant beyond anything that any sound business or government should attempt. Wheth-

er you believe it is fair or not, it is just beyond what the State can afford to pay. For that reason, we went over into the study of a contributory system. We realized immediately the objection to a contributory system. Under the present pension system you just sit around and let the bill grow. You do not lay aside a cent to meet it. Every year an employee works for you under the present system, a certain amount is accruing that has to be paid to that person sometime but you do not lay aside a nickel a year to pay it, and when the bill becomes due, the State either goes broke or else repudiates the pension system altogether and the employees get nothing.

We feel that we should try to avert that situation. These employees, under the present system today, have nothing but the moral obligation of the State to pay them that pension. If you want to repeal that bill tomorrow, under which you pay those pensions, that wipes it out, and that is all there is to it.

We felt it was fair to the employees and fair to the State to set up a pension system where the State laid aside money every year, to meet its obligations. Then the State could be facing that situation and going along, and at the same time we would protect the employees by giving them a system which we felt the State would keep up.

Now, this contributory pension system has to cover about 3600 State employees. Those employees who have past service records, we will say, have ten or fifteen years of service.

When and if this bill goes into effect, on January 1, 1942, they will not be asked to make their contributions for those ten years. The State, in all fairness, has to take up that slack. The State sets aside a certain amount over a thirty-year period, to amortize the pensions that have already been earned or partly earned. The present employees pick up and make their contributions from then on, and from then on only.

The system is set up on an actuarial sound basis. Each employee contributes a certain percentage of his salary—his or her salary—at regular stated periods, probably each two weeks, according to their age at the time they enter the employment.

Now, of course the percentage of payment by an employee who entered at the age of twenty would be far lower than that of an employee who enters service at the age of forty. That is all worked out very carefully, on the percentage basis of this bill.

The contributions of the State are worked out on a similarly careful basis. The normal contribution of the State is set up on a certain percentage, just above two per cent, and that will take care of the normal contributions the State would have to make, if we were starting this pension system with all new employees, just to meet the future.

Then, in addition, to that, to take care of the pensions which have already been earned or partly earned, the State sets aside another percentage, about 1.92 as I recall it, to take up the slack, and pay for old pensions which have been earned or partly earned.

The system is to be administered by a Board of three, of which the Controller is a member. It is set up with the funds to be handled and invested by that Board, and the interest accrued added, so that the employees will get the advantage of the interest paid on the fund.

An employee under this system, in order to get this pension, must have reached the age of sixty-five, and at the age of sixty-five the employee can retire and take his pension.

Now, let me show you the difference between this and your present system, so that you can see where you are going on the present system.

It costs around \$200,000 a year to run this system on a normal contribution basis, and this system, with contributions, will only be a one-half pension after thirty-five years of service. Now, if the contributory system with half-pay pension after thirty-five years, is going to cost you \$200,000, how much do you think a non-contributory pension system would cost you, when you have to pay a pension after twenty-five years of service?

That is one of the facts you are faced with in this situation.

If an employee withdraws from the service before the age of sixty-five years, he takes his money out, with interest. If he is totally or permanently disabled, after ten

years of service, he gets at least a quarter pay pension.

The appropriation called for in this bill is \$232,500, for the pensions themselves, and \$15,000 for the expense of setting the system up and getting it to work. In that \$232,500 is included approximately \$70,000 for the carrying of the pensioners already on the list, which are included in the present appropriation for the second biennium. That \$70,000 appropriation, I believe, could be eliminated, because it is covered in this \$247,500.

This pension bill also provides a system whereby any city, town or county in the State can join in—at their own expense, of course—in making their own contributions. This is being done in several states, and for this reason:

There is not another political sub-division in the State of Maine that has enough employees to run its own contributory pension system on a sound basis.

We have been into the subject very thoroughly in the City of Portland, and with our 400 or 500 employees, we have not got enough to give us the average experience to set up a contributory pension. This does not mean that these towns and counties, which come in under the State contributory system, will unload their expense on the State; they will pay their share of expense. It simply gives them a sound system, under which to operate.

As I said when I presented the report of the committee—and I will say to you again—this is a bill whereby the Legislature will meet squarely the expense that is running up under the pension bill. It is an honest, plain proposition. You face the facts and appropriate the money. Under the old system you duck, and defer the thing until the bill comes due, two years later, and then you are in a devil of a stew.

If there is anything further that I can say about this bill that may be raised by a question, I will be very glad to do it. This is a very difficult subject to cover in ten or fifteen minutes.

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

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the Legislature: At the present time, both the State of Maine and the Federal

government have committed themselves to large emergency expenditures in connection with defense activities. No one knows the duration of the present emergency. All past experience, however, indicates that when this emergency is over, there will be a period of severe financial difficulties for the entire country.

In view of already increased expenditures at present, and the gloomy, long-term outlook, I feel this is a time when the State of Maine should be extremely hesitant to make long-term financial commitments for anything other than distinct emergencies.

This present bill involves committing the State of Maine to an expenditure of approximately \$250,000 over a long period of years. While I am in sympathy with the purpose of the bill, and realize that again over a long period it will result in savings to the State, I am not yet convinced that this is the opportune time for undertaking this program.

In other words, we need the money in the present emergency for other purposes, and, since we have been bearing down on Education, and asking them to confine their desires to \$150,000 for equalization, I feel that this matter should not have passage at the present time.

Another point is that you cannot buy anything if you have not got the money.

Therefore, I move that this measure be referred to the 91st Legislature.

The SPEAKER: The Chair will rule that when a question is under debate, no motion shall be received except the seven motions there enumerated. One of them not being the motion to refer to the next Legislature, a motion to refer to the next Legislature would not be in order pending a motion to indefinitely postpone.

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

Mr. PRATT: Mr. Speaker, I withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Turner, Mr. Pratt, withdraws his motion to indefinitely postpone.

The gentleman from Calais, Mr. Murchie, moves that this bill be referred to the 91st Legislature. The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I would like to ask a question through the Chair from the gentleman from Portland, Mr. Payson.

The SPEAKER: The gentleman may ask his question.

Mr. BRAGDON: Mr. Speaker, I understand that at the present time we are paying around \$60,000 or \$70,000, that is, we have to appropriate around \$60,000 or \$70,000 to pay our pensions that we are paying now.

I also understand that under this bill it will take about \$200,000 annually, this year and next year and all the years to come to pay the State's share of this retirement pension.

The question I would like to ask the gentleman from Portland (Mr. Payson) is this, if he should care to answer it.

How long would it be, under our present procedure of paying pensions that we do now, before we reached the point that we would have to appropriate \$260,000, that we are asked to appropriate at the present time?

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

Mr. PAYSON: Mr. Speaker, the information for which the gentleman asks is not available. That particular proposition was not figured out.

In about ten years you will hit the \$600,000 mark. Just how fast you will work up to the present proposition of over \$200,000, that is problematical, nothing having been worked out by the actuary.

I can say to you this, that if you set up the money which is being earned for pensions under your present system, you have to set up over \$350,000 a year to meet the bill which you are now accruing.

While I am answering questions, I want to answer one more raised by the gentleman from Calais, Mr. Murchie. Let me re-state that, if you set up reserves to pay your present pension system, you would have to set up over \$350,000 a year, under the present system.

Under the system that we propose, this contributory pension system, it is nearer \$203,000 or \$205,000 a year for accruing pensions. The gentleman from Calais, Mr. Murchie, says

that we are in an emergency and that we are going into a depression. I cannot think of a better argument for taking this thing now and facing it, when we are better off than we will be when we get into that depression.

In the present emergency, we possibly can raise money to do the work, but certainly when you get into the depression, with all the needs that the Legislature will have to face four or five years from now, with your pension rolls calling for \$150,000 or \$175,000, as they probably will be at that time, where in the world will we get the money to meet the bill then?

It seems to me, members, that the argument for deferring this measure because of the present situation, argues exactly to the contrary.

The **SPEAKER**: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. **ROLLINS**: Mr. Speaker, it seems to be the reverse of the situation. The gentleman from Calais, (Mr. Murchie), now recommends that we pass the buck to the next Legislature. About all I have heard here is that we have been directing the problem of taxation to take care of this \$800,000 of the Old Age Assistance program which was passed on to us. I believe that we should face the music and take care of the situation at the present time.

I hope that the motion of the gentleman from Calais (Mr. Murchie) does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. **SOUTHARD**: Mr. Speaker, I would like to plagiarize for a few moments.

The Governor, in making his address, suggested that economy was the wise and intelligent spending of money.

The gentleman from Portland, Mr. Payson, has suggested that by enacting this present pension law, at an additional expense of roughly \$175,000 this year, that we would save \$400,000 ten years hence. *

I think that it is clear to any person that it is much cheaper for the State of Maine to insist that its employees contribute something toward a half-pay pension after thirty-five years, than it is for that same State to pay one-half the pension after only twenty - five

years. For these reasons, I hope that the motion of the gentleman from Calais, Mr. Murchie, will not prevail.

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

Mr. **LEAVITT**: Mr. Speaker, this bill has been before us several weeks, and I do not believe that the next Legislature will have any more brain power than this one. I do not believe that they will study it any more than we have studied it. I believe that it is the duty of this Legislature to take this forward step and put this pension system into force.

I hope that the motion of the gentleman from Calais, Mr. Murchie, does not prevail.

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

Mr. **SHESONG**: Mr. Speaker and Members of the House: It seems to me that we would be penny-wise and pound-foolish unless we adopt this legislation.

I know it is unpopular to try to defend the position of a committee. Yet I did sit on the Legal Affairs Committee and I heard this bill presented to us. It was unanimously reported out "Ought to pass", and I am still of that opinion that it should pass. It seems to me, if we keep on piling up pensions as we are at the present time, even though we are not spending as much today as we will in the next year, we are just running into disaster.

This bill will slow it up over a period of time, and equalize it, so that the effect of the thing would be to save money.

I know I was rather dumbfounded to learn that in one department of this State where we have a contributory pension the State has made no appropriation for paying its part, and sometime we have got to raise money to meet money paid in by employees of the State. Now to let a condition like that exist I think is entirely wrong. I do hope you will give this measure favorable consideration, because it seems to me that it is something that is very important at the present time.

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

Mr. McGLAUFNIN: Mr. Speaker, I merely wish to say that I heartily concur with the remarks of the gentleman from Greenville, Mr. Rollins, that this Legislature should handle this matter.

Since my attention was called to this bill yesterday, I have done some investigating and I find that it does not affect those who are at present receiving pensions, and it does not affect school teachers. It looks to me like a very constructive measure and I shall go along with it.

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

Mr. MCGILLICUDY: Mr. Speaker, this may be just my idea, but I do not know of anything that gets less attention than some measure referred from some preceding legislature. It does not seem to me that we paid much attention to some bills that were referred to us from the 89th Legislature, and there were some. For that reason, I hope that the motion of the gentleman from Calais, Mr. Murchie, does not prevail.

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

Mr. MURCHIE: Mr. Speaker, if I may be permitted to present to you another situation that seems to me to be pertinent in connection with this matter. We have told you we need two million dollars to meet the present situation. While I am in full sympathy with what the bill involves, I am just trying to call your attention to the present situation. This builds the needs up beyond the two million, up to \$2,250,000. I cannot see why it would not mean as the outcome of our negotiations here that Old Age Assistance will have to be cut down if you carry it through at the present time. We have not got the money and I do not think this bill should be passed at this time.

Mr. Payson of Portland was granted permission to address the House for the third time.

Mr. PAYSON: Mr. Speaker, just to make a correction of what may have been an inadvertent mistake by the gentleman from Calais, Mr. Murchie, I will say there is included in the appropriation for this contributory pension matter ap-

proximately \$70,000 to take care of payments of pensions to those at present on pensions. That would cancel out, I believe, the \$70,000 appropriation made for the second year of the biennium, or, in other words, make the needed appropriation about \$175,000 instead of \$250,000. I think the House is entitled to that explanation.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that this bill be referred to the 91st Legislature. All those in favor of the motion of the gentleman from Calais, Mr. Murchie, will say aye; those opposed no.

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

Twenty-five having voted in the affirmative and 75 in the negative, the motion that the bill be referred to the 91st Legislature did not prevail.

Thereupon the bill was passed to be enacted and sent up for concurrence.

The Chair lays before the House the second tabled and today assigned matter, House Amendment "A" to Committee Amendment "A" to Bill "An Act Approving the Purchase of Lamoine Coal Depot." (H. P. 446) (L. D. 185) tabled by the gentleman from Bucksport, Mr. Pierce, on April 14th, pending adoption.

The Chair recognizes the gentleman from Long Island Plantation, Mr. Teel.

Mr. TEEL: Mr. Speaker, I ask permission of the House to withdraw House Amendment "A" to Committee Amendment "A" to L. D. 185.

The SPEAKER: The gentleman from Long Island Plantation, Mr. Teel, withdraws House Amendment "A" to Committee Amendment "A".

The question now before the House is on the adoption of Committee Amendment "A".

The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker, I now offer House Amendment "B" to Committee Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Orono, Mr. Goldsmith, offers House Amendment "B" to Committee Amendment "A" and moves its

adoption. The Clerk will read the amendment.

House Amendment "B" to Committee Amendment "A" to H. P. 446, L. D. 185, Bill "An Act Approving the Purchase of Lamoine Coal Depot."

Amend said amendment by adding thereto the following:

"Further amend said bill by adding thereto a new section 2 to read as follows:

Sec. 2. Use of Property. The board of trustees of the University of Maine shall have the use of the property described in section 1 for educational purposes. Any expense for reconstruction or maintenance shall be borne by the University of Maine."

House Amendment "B" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "B" was then adopted.

The SPEAKER: What time will the House assign for the third reading of this bill? The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker, this measure has given us a great deal of concern ever since the very beginning of the session. Now that there seems to be an agreement, I would like to move suspension of the rules and that the bill be given its third reading and be passed to be engrossed at this time.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves that the rules be suspended and the bill be given its third reading and be passed to be engrossed as amended without reference to the Committee on Bills in the Third Reading. Is this the pleasure of the House?

The motion prevailed, and, under suspension of the rules, the bill was given its third reading without reference to the Committee on Bills in the Third Reading, and passed to be engrossed as amended, and sent up for concurrence.

The Chair lays before the House the third tabled and today assigned matter, Bill "An Act to Appropriate Monies for the Expenditures of the State Government and for Other Purposes for the Fiscal Years ending June 30, 1942 and June 30, 1943." (S. P. 488) (L. D. 1014) which came from the Senate engrossed as

amended by Senate Amendments "A" and "C". In the House, read twice, Senate Amendment "A" adopted, Senate Amendment "C" indefinitely postponed and tabled by Mr. Rollins of Greenville on April 18th, pending third reading.

Thereupon the bill had its third reading and was passed to be engrossed in non-concurrence, and, on motion by Mr. Rollins of Greenville, the bill was ordered sent forthwith to the Senate.

The Chair lays before the House the fourth tabled and today assigned matter, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Labor on Bill "An Act Relative to the Employment of Females in Executive, Administrative, Professional or Supervisory Capacities and as Personal Office Assistants" (H. P. 1235) (L. D. 497) tabled by the gentleman from Yarmouth, Mr. Arzonico, on April 18th, pending acceptance.

On motion by Mr. Arzonico, the "Ought to pass" as amended by Committee Amendment "A" report of the committee was accepted.

The Chair lays before the House the first tabled and unassigned matter, Bill "An Act relating to the School or Reserved Lands of the State" (H. P. 1790) (L. D. 1043) which was passed to be engrossed in the House on April 2nd. Comes from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence; and tabled by the gentleman from Greenville, Mr. Rollins, on April 21st, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Rollins, the House voted to recede from its action whereby it passed the bill to be engrossed.

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

Senate Amendment "A" to (H. P. 1790) (L. D. 1043) Bill, "An Act Relating to the School or Reserved Lands of the State."

Amend said bill by striking out therefrom all of Sections 2 and 3 of the bill.

Senate Amendment "A" was then adopted and the bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

The Chair lays before the House the second tabled and unassigned matter, Bill "An Act Relating to the Salary of the Attorney General." (H. P. 1464) (L. D. 740) tabled by the gentleman from Rome, Mr. Downs, on April 21st, pending assignment for third reading; and the Chair recognizes that gentleman.

On motion by Mr. Downs, the bill was assigned for third reading tomorrow morning.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I now move you, Sir, that we reconsider our action of yesterday on S. P. 316, L. D. 521, whereby we accepted the minority "Ought not to pass" report of the Committee on Judiciary on Bill "An Act Relating to the Powers and Duties of the State Personnel Board."

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House reconsider its action of yesterday whereby it accepted the minority "Ought not to pass" report of the Committee on Judiciary on Bill "An Act Relating to the Powers and Duties of the State Personnel Board." (S. P. 316) (L. D. 521). Is this the pleasure of the House?

All those in favor of the motion of the gentleman from Greenville, Mr. Rollins, that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report—

The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: It appears to me that yesterday, when this bill came before the House, it was not given the full consideration that it should have, for some reason or other.

This bill should be reconsidered this morning.

It would appear that far too much power has been delegated to the Personnel Board, and that they have prohibited the heads of departments from choosing who and what they should work with. That is, providing they should want a certain person in their department, it would appear that they are unable to have them, because they are forced to go to the Personnel Board and take someone who may be all right—I

am not questioning their ability—but someone who may not be fitted for that job. There may not be anyone else obtainable. We are here trying to curtail our expenses, to keep them down what we can. We present certain tax measures and we find that we have got to earmark them, in order to make sure that they are going where we intend them to go.

A piece of paper came into my hands yesterday which shows the proposed salary grab as soon as we leave here; as soon as we get out from under foot.

This one I have is only for one division, just one of our departments.

I tried to track it down and I find that that proposed salary grab originated downstairs, and, as near as I can find out at the present time, it is on the table in the Council Chamber. Now, the Legislature is here trying to conserve their money; trying to curtail our expenses; and then a department that we created a few years ago is trying to boost our expenses.

Now, as we are raising our tax money, are we raising it for the purpose of providing Old Age Assistance and certain other definite things we need, or are we providing some money to go into the general fund to be gobbled up in some of these salary grabs?

Providing we reconsider this measure this morning, it will tend to curtail the authority of the Personnel Department.

I hope this morning the motion of the gentleman from Greenville (Mr. Rollins) prevails.

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

Mr. GRUA: Mr. Speaker and Members of the House: I have already given you my reasons for supporting the "Ought not to pass" report.

I want to point out just one error in the argument just made to you about these salary raises.

If this bill were passed, those salary raises would not even be on the table in the Council Chamber. Those salary raises would all have been made by the heads of the Departments, and there is not a thing that you could do about it, or that anybody else could do about it.

The very thing that my Brother, the gentleman from Weston, Mr.

Bubar, is advocating, is the very thing that would make it impossible to make any check on these advances in salaries. That is the very reason we are urging that this Board be permitted to function, so that they can first pass on them, and see whether or not the Department head is justified in asking these salary raises or whether perchance these salary raises are going to some favorites of the heads of that department. I earnestly hope the House will stand by its action of yesterday.

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

Mr. McGLAUFFIN: Mr. Speaker, I had no thought of talking on this matter again. I thought the matter was well discussed yesterday.

I presented one side of the picture and the gentleman from Portland, Mr. Payson, ably presented the other side.

I do want to say one word, however, after the remarks of the gentleman from Livermore Falls, Mr. Grua. He has suggested, and did yesterday, that the head of a department might take advantage of this situation and promote his particular clerks, and that somebody more lax in another department might not make such presentation.

He also stated that they might play favorites, but he overlooks the fact that the Personnel Department can raise the salary of the whole of them, any time they see fit.

I argued yesterday, that I felt clearly it seemed just plain, common sense to let the head of the department, who knew the qualifications of the employee, decide that matter, for himself. I do not believe that he would take advantage of that and promote every employee to the limit, because he himself would be liable to lose his own job if he undertook any such drastic measure.

I said yesterday that I thought it was a simple manner and a sensible manner, to have the head of the department pass upon that salary, when he was the one, and the only one, who knew the qualifications of the employee.

The gentleman from Portland, Mr. Payson, very ably presented the other side—that is, that this department has the control of the whole situation, and he thinks that is a better way. I do not.

I did not ask to have this measure

reconsidered, but, seeing that it is up, of course I wish to go along with the motion to reconsider, and I hope the motion prevails, because I think that my side, as I presented it yesterday, is the sensible side.

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

Mr. PAYSON: Mr. Speaker, I blush to address the House after the remarks which have been made concerning my speech yesterday.

If the gentleman from Weston (Mr. Bubar) is finding out that personnel administration means the merit system, whereby people are picked on examinations, and on their merit rating, without regard to partisan politics, I think he is finding out just exactly what personnel means.

Now, he urges that the department heads be given back the selection of employees, their promotion and their pay rating. Let us go back and see how you get a department head. A department head is appointed by the Governor, with the advice and consent of the Council, and pretty frequently he is a fairly good political worker.

Now, it is not impossible—and I think I can safely say that it has happened,—that a department head has chosen some of his employees because they are good party workers, or even, I would go so far as to say, under the old system, some of the employees were picked at the suggestion of the Council, who had something to do with putting these men in office.

Now, if you want to go back to that type of stuff, in place of the merit system where partisan politics are out of the picture, all well and good, but I do not believe you want to, and I do not believe the State of Maine wants you to.

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

Mr. DUTTON: Mr. Speaker, yesterday we were going to raise money to pay the existing demands upon the State of Maine.

Today we are debating how and who shall raise the salaries of the State of Maine. I would feel at this time, if an amendment were prepared and attached to this measure that would prevent any person or personnel increasing any salary of the State of Maine during the next two years, I should feel like voting for it.

I would make that so drastic that it would start with the Governor and extend down through every head of a department, and saddle no more taxes upon the State of Maine to pay for salary increases.

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

Mr. HOLMAN: Mr. Speaker and Members of the House: I want to endorse what my Brother, the gentleman from Bingham (Mr. Dutton) has just stated.

It seems to me, as this proposition is put up to us, that we have our choice of two evils—and not between an evil and a good. It seems to me—I know, from my own experience—that I do not know anything about this thing at all. The only thing that I can base my judgment on, to vote, is on what some of these gentlemen tell us who have studied this proposition.

We have just as much faith in the gentlemen who are speaking on one side of this proposition as we do in the gentlemen who are speaking on the other side.

It is a pretty difficult problem. I think the majority of the Members of this House will simply be switched from one side to the other, just according to whether one side is more successful than the other in presenting their facts.

I want to say further that I do not believe that it is necessary for the State of Maine to pay any such salaries that they do, in many of the positions occupied by people working for this State. I think there are plenty of people who are willing to accept those positions for much less money. The fact is that if those salaries were reduced, most of those people would stay on their jobs and the work would be done just as efficiently as it is now.

I think it is time for the Members of this Legislature to stiffen up their backbone, and try to accomplish something here worth while, instead of letting these departments run away with us all the time.

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

Mr. MCGLAUFLIN: Mr. Speaker, I would simply like to point out to the two gentlemen who have just spoken that killing this bill does not accomplish what they are telling to you.

This is not a bill to authorize people to increase salaries, excepting under the provisions of the law as they now exist. By killing this measure you do not accomplish one thing.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: The people of the State of Maine are asking, "Why do we need new taxes?" And yet continually salaries are being increased.

This little booklet here, reporting about the salary adjustments, Legislative Order of January 21, 1941, has some very interesting information.

I am not one that thinks that people should work for a low salary. I do not believe that you can get efficiency by low salaries. But it does seem, looking those salaries over, that sometimes the real increases are placed among the people who least deserve them.

We have another list of salary adjustments of State officials and employees. You have all looked them over—a long list. We have this other list that we are told will be pushed through as soon as the Legislature adjourns. And many more lists are coming. They tell us they are coming from the Bureau of Personnel. Do we wish that to continue? If we do, I believe we should go along with our motion of yesterday.

I believe, at least, we should have an opportunity to consider this matter, and to find out whether it is really the wish of the Members of this Body that this practice which has grown up in this Personnel Department shall continue. I hope we consider this motion to reconsider.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House reconsider its action of yesterday whereby it accepted the minority "Ought not to pass" report of the Committee on Judiciary. Is the House ready for the question? All those in favor of the motion of the gentleman from Greenville, Mr. Rollins, that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report will say aye; those opposed no.

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

Seventy-one having voted in the affirmative and 38 in the negative, the motion to reconsider prevailed.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I now move we accept the majority report "Ought to pass."

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House accept the majority report "Ought to pass." Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker and Members of the House: Yesterday I was proud of this House. I thought that all was not lost, when we could place authority in one body—a body that would be free from any political influence, a body that would be assured that the employees who work for the State of Maine would work on the basis of merit and fitness.

Now, I don't know what lies behind this motion to reconsider today. I cannot see that it has anything to do with the subject which the gentleman from Weston, Mr. Bubar, brought up at all. All that bill called for was to take away some power from the Personnel Board,—a necessary power of the Personnel Board.

I think that you have to decide whether you want the Personnel Board free from political influence, to guard the actions of the employees of this State, or whether you want them under the heads of the Departments, where it will not be free from any such political influence.

Now, I think it is unthinkable that we in this Legislature should take such a step backward, as suggested in this bill—a step aimed directly at the heart of the merit system, under which our various departments in the State have been operating since 1937.

This measure would bore from within and remove from the Personnel Board a power they now have—the right of promotion under classified service and salary advances, and place this on the heads of the departments.

I think the gentleman from Livermore Falls, Mr. Grua, very ably explained yesterday—and I call your attention to it now—the fact

that the law is working as established, because of the very fact that the first attempt to abuse this law brought about the introduction into this Legislature of a bill of this sort, which was strictly a personal measure.

Now, I think to make this change would be the first step to destroy the merit system in State public service and open the door again to the evils of patronage.

I, personally, can think of no step which this Legislature could take which would so utterly undue all the work which has been done under the Personnel Law,—the Personnel Law which sought to take service out of politics and put it on the basis of merit and fitness. I hope that the motion of the gentleman from Greenville (Mr. Rollins) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the Committee.

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

Mr. CONANT: Mr. Speaker, I request when the vote is taken, it be taken by the yeas and nays.

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

Mr. FARWELL: Mr. Speaker and Members of the 90th Legislature: I fail to see where the argument of the gentleman from Weston, Mr. Bubar, enters into the question of the Personnel Department.

But, in answer to his question, I might say that certain salary increases were placed upon the desk of the Governor, and have been nalled there ever since; and that there has been no order go to the Council for any salary increases; that they are now waiting for the justification of those salary increases before any such increases would be recommended to the Council.

Upon running down some of the reasons for the salary increase, which has been charged and probably rightly so, to the Highway Department, Mr. Barrows, the Chief Engineer, has stated that it is now almost impossible to keep the mechanics now employed at the State Garage, at their present salary, because they can get more than double the salary in the City of Bath, at their trade there.

That was his justification in asking for the salary increase.

I do not see where, at the present time, such an argument enters into the Personnel Board.

It seems to me this is a question of giving the employees a supervision which is strictly impartial; and I believe that if you and I were working for the State that we would welcome the merit rating system, whereby we could hold our jobs and get our salary increases on our merits rather than the fact we were a Democrat or a Republican.

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

Mr. WILLIAMS: Mr. Speaker, I am another one of the members who had not intended to say anything about this matter; but it does seem to me that these salary increases do enter into the picture and are a vital part of the picture, because yesterday the argument given against this bill was that the department heads could go ahead and raise salaries of employees. We know a short time ago some very substantial raises were gunned through the Governor and Council by the Bureau of Personnel, and right now waiting in the Governor's office are some more salary increases which passed through the Bureau of Personnel on their recommendation.

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

Mr. McGLAUFFIN: Mr. Speaker, I would like permission to face the House.

The SPEAKER: The gentleman has that privilege.

Mr. McGLAUFFIN: Mr. Speaker, I want to answer the gentlewoman from Bangor (Miss Clough) because I do not understand the situation as she seems to understand it.

I was one of the men who helped create this Personnel Board. I was in favor of the merit system, and I understand that we have that merit system and will have it changed if we pass this bill.

The Personnel Board sets up examinations for candidates for positions, and those candidates have to pass an examination satisfactory to the Personnel Board; and, as I understand it, the Personnel Board still employs those employees. They

still have that power. Now they want the additional power to dictate when and if the salary shall be raised.

We are not destroying the Personnel Board. We have created them. Why should we destroy them? We are not taking away, if this bill passes, the power to make general advances in salaries to everybody in the departments. They cannot do that any more. It is going to be advanced step by step by the heads of departments as they see the need and the merit. No head of a department, because of this change is going to raise all the salaries of his clerks to the limit. There is no sense in that. They are going to gradually advance a little as the employees show they are worth more than they are receiving. Now I think it is much better to have that advance come that way than it is to have it in the power of the Personnel Department to advance the whole if they see fit.

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

Mr. HINCKLEY: Mr. Speaker, I have heard arguments for two days now on this matter on the various motions, and it is my belief that if this motion carries this morning you have taken the very lifeblood out of the Personnel Law. You cannot look at it any other way, because this bill absolutely does away with the essential parts of the present Personnel Law. It provides that the heads of departments shall have the right to decide the salaries and promotions in the various departments of this State.

Now the purpose of the Personnel Law is to coordinate the various departments that we have. That is the original purpose of it, and that is the reason for its existence. If you pass this law you have done away completely with that purpose, because the heads of departments will be able to promote clerks and they will be able to raise their salaries at pleasure. You cannot get away from that proposition.

Now if you want that to happen, all right, you pass this bill; but if you want to save the Personnel Law, then I say you must vote against it.

The argument was advanced here yesterday by the gentleman from Portland, Mr. McGlauffin, in regard

to a former Chief of Police in Portland who was discharged from service in the State, and he said that gentleman could not pass the examinations. Well, that argument is ridiculous when you consider the situation, because that gentleman was under the Unemployment Compensation Department, and it had nothing whatever to do with the civil service law we have, the Personnel Law. He did not try to pass any civil service law in the State because he did not come within it at all. That department is especially exempted from the operation of this law, so I say his argument in that respect falls down. That gentleman was not able to comply with the Federal regulation, and the girl who took his place was able to do so. It had nothing whatever to do with the bill under consideration here.

I say here, that if you want to kill the Personnel Law, pass this bill.

This bill, I believe, originated from personal spite and nothing else. It has been lobbied completely in this House, and the people that are voting in favor of this bill are the ones who have been misled by the propaganda that has been spread abroad. I think if you will consider it honestly and on its merits you cannot pass this bill.

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

Mr. McGLAUFFIN: Mr. Speaker, may I ask through the Chair a question of the gentleman from South Portland, Mr. Hinckley?

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

Mr. McGLAUFFIN: Mr. Speaker, I would like to ask Mr. Hinckley—he has said this does away with the civil service, as I understood him. If this bill passes, can the head of the department discharge a single employee? Answer me that one.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks a question through the Chair of the gentleman from South Portland, Mr. Hinckley. The gentleman from South Portland may answer if he sees fit.

Mr. HINCKLEY: Mr. Speaker, I

am not sure about the provisions for discharge. It is my impression that if the head of the department wants to get rid of a clerk he may present his views to the Personnel Board and the Personnel Board may withdraw that person from the department if it sees fit.

Let me say further that at the present time if the head of a department wants a clerk promoted, if he wants his salary raised, all he has to do is to notify the Personnel Board; and I want to assure you if he has any valid argument for his request the Personnel Board can see it just as well as anyone else; and I believe that no valid request of a department to the Personnel Board would go unheeded. If the Personnel Board thinks the arguments presented by the head of the department are not proper and that the clerk should not be promoted and his salary raised, then I think we ought to have some central body in this State that could pass upon that matter impartially. If you take away the Personnel Board, if you take away the power of the Personnel Board as it exists at the present time, every department in the State will be able to raise salaries and fix promotions at will, and I do not think that is a good system for this State.

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

Mr. McGLAUFFIN: Mr. Speaker, does the fact that I asked a question deprive me of the right of speaking a moment more?

The SPEAKER: The Chair will say that it does not.

Mr. McGLAUFFIN: Mr. Speaker and Ladies and Gentlemen of this House: They say this would destroy the personnel set-up. My understanding of the matter is when this Personnel Board hires a man or a girl that no head of a department can discharge that person, and that clerk is wholly within the control of that Personnel Board. That situation will continue if you pass this bill. How can you say it will ruin the personnel set-up? They make the examinations; they hire the employees. Those employees can not be removed without cause by anybody, not even the Personnel Board.

They try to make you think this whole thing is going to be wiped out. It is no such thing. It is just as simple as A. B. C. Shall the head of a department who knows the qualifications of his clerks have the say as to the increase of salary or shall he have to go through the red tape of asking the Personnel Board if they will investigate and see if he is correct when he makes his recommendation? It is a lot of red tape that does not amount to a Hannah Cook, as we used to say. I am telling you that it is a simple matter and it is common sense, and it does not destroy the Personnel Board.

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

Mr. PAYSON: Mr. Speaker, I would like to get away from what I think was a misapprehension when we voted to reconsider this measure. This bill, if you pass it, does not stop salary increases. Now if you voted to reconsider on the theory that this bill would stop further salary increases, you were laboring under a misapprehension. This bill simply takes the present system of a recommendation by the Personnel Board and a passing on that recommendation by the Governor and Council away and substitutes for it this proposition. I am not quite so sure what this proposition does mean. On top of Page 2 of this bill it says:

"Salary advancements within an established range shall be determined by the head of the department in which the person affected is employed, and the board shall have no power or authority to alter the amount fixed by the head of the department, but shall certify to the governor and council such salary advancements as determined by such department head."

Now whether or not the Governor and Council pass on it after the department head decides what it is going to be, I do not know from this amendment. But salary advances can go along just the same, only they will be back under your old political system and be handled by the head of the department.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the com-

mittee. The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, we seem to be all befogged on this matter of the Personnel Board. We are not trying to do away with any Personnel Board.

I have heard several mention civil service. That was really the fundamental idea behind the creation of this Personnel Board, that it should be a civil service board. After that board sets up the list of employees, they are then amply protected from being discharged without reason. How much further do they go in any other State or in our government as to promotion? And who more than the department head under whom those men and women are working knows where merit lies?

It is just a question of which is more acquainted with the worker, the department head who has the supervision of that worker, or the Personnel Board who perhaps have never met the person, may never have seen them, but who simply saw their examination paper and passed it on and sent their names out as employees.

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

Mr. FENLASON: Mr. Speaker, I think we are all interested in this bill, and being acquainted with mortality, I have just been looking forward to its death right here now, and I am going to move the previous question.

The SPEAKER: The gentleman from North Anson, Mr. Fenlason, moves the previous question. In order for the Chair to entertain the motion for previous question requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for 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 question before the House is: Shall the main question be put now? Is this the pleasure of the House?

The motion prevailed and the main question was ordered.

The SPEAKER: The question before the House is on the motion of

the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the committee. The gentleman from Auburn, Mr. Conant, requests that when the vote be taken that it be taken by the yeas and nays. Under the Constitution the vote shall 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.

The SPEAKER: Obviously less than one-fifth of the members having arisen, the yeas and nays are not ordered.

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the committee.

Mr. LaFLEUR of Portland: Mr. Speaker, I ask for a division.

The SPEAKER: All those in favor of the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the committee 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.

Sixty having voted in the affirmative and 63 in the negative, the motion to accept the "Ought to pass" report did not prevail.

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

Mr. HINCKLEY: Mr. Speaker, is a motion to accept the majority report "Ought not to pass" in order?

The SPEAKER: The Chair will state that such a motion is in order.

Thereupon, on motion by Mr. Hinckley, the majority "Ought not to pass" report was accepted in concurrence.

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

Mr. PAYSON: Mr. Speaker, I understand that papers are being prepared which may be exchanged between the different branches this afternoon, but they will not be ready until 3.30, so I move that the House recess until 3.30 this afternoon.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until 3.30 this afternoon. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

AFTERNOON SESSION — 2 P. M.

Called to order by the Speaker.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair will state that the members will find on their desks an additional printed Advance Calendar.

Is it now the pleasure of the House that the House take up out of order and under suspension of the rules additional papers from the Senate?

SENATE REPORTS

Conference Committee Report

From the Senate:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment" (S. P. 537) (L. D. 1095) reporting that the committee is unable to agree.

(Signed)

Messrs. BATE of Kennebec
CHAMBERLAIN of Penobscot
LIBBY of Cumberland
—Committee on part of Senate.
PRATT of Turner
McKUSICK of Parkman
OSGOOD of Bradford
—Committee on part of House.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Final Report

Final Report of the Committee on Federal Relations.

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Ought Not to Pass

From the Senate:

Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act to Promote the General Welfare and to Protect the Health and Welfare of the People

of the State by Providing for the Elimination of Wage and Hour Standards Detrimental to the Health and Welfare of Workers" (S. P. 314) (L. D. 522)

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

From the Senate:

Report of the Committee on Judiciary on Bill "An Act to Establish Labor Relations in the State of Maine" (S. P. 356) (L. D. 673) reporting same in a new draft (S. P. 562) (L. D. 1162) under title of "An Act relating to Labor Relations in the State of Maine" 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, the Report was read and accepted in concurrence, and the bill had its two several readings.

The SPEAKER: What time does the House assign for third reading of this bill?

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

Mr. DOW: Mr. Speaker, I offer House Amendment "A" and I will state that I have seen nearly all the members of the committee, and so far as I know, there is no objection to the amendment.

House Amendment "A" to S. P. 562, L. D. 1162, Bill, "An Act relating to Labor Relations in the State of Maine".

Amend said bill by striking out the underlined word "of" after the word "coercion" in the 19th line thereof and inserting in its place the word 'by'.

And further amend said bill by inserting in the same line after the word "employers" the underlined words 'or other persons'.

House Amendment "A" was adopted, and the bill was assigned for third reading tomorrow morning.

Ought To Pass In New Draft

From the Senate:

Report of same Committee on Resolve providing for the Revision of the Statutes (S. P. 244) (L. D. 818) reporting same in a new draft (S. P. 561) (L. D. 1163) under same title and that it "Ought to pass".

Came from the Senate, the Re-

port read and accepted and the Bill and Resolve passed to be engrossed.

In the House:

Report was read and accepted in concurrence, and the Resolve read once, and tomorrow assigned.

Senate Divided Reports

From the Senate:

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Creating the Department of Health" (S. P. 464) (L. D. 953)

Report was signed by the following members:

Messrs. FARRIS of Kennebec

HARVEY of York

—of the Senate

PAYSON of Portland

WILLIAMS of Bethel

GRUA of Livermore Falls

MILLS of Farmington

BRIGGS of Hampden

—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Miss LAUGHLIN of Cumberland

—of the Senate.

Mr. McGLAUFILIN of Portland

—of the House.

Came from the Senate with the Majority Report accepted.

In the House:

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

Mr. McGLAUFILIN: Mr. Speaker, I move the acceptance of the minority report.

Mr. Speaker, I would like permission to face the House.

The SPEAKER: The gentleman has permission.

Mr. McGLAUFILIN: Mr. Speaker, this morning, in talking with my friend, Mr. Bernier, of Lewiston, he stated that when I talked long he went to sleep, and I told him that was why he sometimes voted wrong. That explains it; he did not hear what I said. (Laughter)

The bill before you is simply this: A provision to separate the Health Department from the Welfare Department. In the Judiciary Department, I think about nine times out of ten when the members of that committee read a bill they can de-

cide almost instantly whether they are for it or against it. Perhaps once in ten times we get a bill that is difficult, a bill which requires study and careful consideration; and I want to say now that the fact that you have had so many divided reports from the Judiciary Committee does not mean that the committee is less competent than other committees; it simply means that men of ability have different views and they report according to their best judgment. So in this case I have had to give the matter consideration, and I have come to the conclusion that this is a good bill. Whether I can convince you of that fact or not is very immaterial. My life is not at stake on this bill. I simply want to present to you for your consideration some of the things that have led me to come to this conclusion, and, after you have heard the debate on both sides, I am content to go along with you, whatever your decision may be.

I want to call your attention in the first instance to some of the experiences that I have had with the Health and Welfare Department, and the instances that I am going to tell you of lead me to believe that we could get more efficient management if you separate these two departments.

I want to say at the outset that by separating these two departments I do not understand that it is going to cost the State of Maine a single dollar more than it pays now, and the chances are that there can be some saving.

The first instance that I am going to speak of is this: A woman in the town of Mapleton whom I have known for many years wrote me and told me that her husband, a man eighty years old, got an Old Age Assistance pension of thirty dollars a month, and she wanted to know if she could let a room in her house so that she could get money enough to pay the taxes on this little house, which, as I recall it, only has four or five rooms.

I wrote her without hesitation: "You are not the one that is getting assistance. Of course you can let it." But she wrote back to me again and said the inspector told her that if she let the room that money would be taken from the Old Age Assistance. I could not believe it, but I took the matter up myself with Mr. Leadbetter—that was two

years ago—and he assured me that was right, that they allowed a certain amount that a person is supposed to live on and if they get more than that amount that assistance is reduced.

Last summer I drove up to Mapleton once more. This same woman came to me and asked me to see if there was anything that could be done to save their home which had been sold for taxes. I investigated and I found it to be a fact that they had lost their home, lost it absolutely, because she was not allowed to let a room to earn money to pay those taxes.

Now I do not want to blame any particular department for that, but there is something wrong somewhere when that kind of a situation prevails. It may be the fault of the national government; it may be the fault of the board here, I don't know; but there is a situation I feel should be remedied.

The second case that I am going to mention is this: A woman whom I have known for more than fifty years, seventy-eight years old, was granted Old Age Assistance, and she had received that assistance for one or two months, and she was overjoyed to think that she had something to live on. Then her pension was taken away from her. She spoke to me about it, and I undertook to find out why her pension was taken away and why she could not get it back. I interviewed Mr. Haines, who is the head of that particular department, and he referred me to some woman in Portland. I asked him if he would not investigate himself, as I was pretty busy up here, and let me know why this woman could not have her pension restored. That was at least six weeks ago, and I have not heard from that yet. I then contacted one of the Commissioners and told him about the case, and he was going to let me know after investigation, and I have not heard from him yet. I then contacted another member of the Commission and told him the story, and I have not yet learned why that woman's pension is not restored.

Now the point I am making is this: What kind of a situation have we got up here when a member of this Legislature in six weeks' time can not find out why that woman is not put back on the pension list? I think there is something wrong

somewhere. I do not know just where.

Let me give you one other illustration that is not my own experience but what has come to my attention.

The Welfare Department has charge of the inspectors of plumbing. Now in the town of Medford they had given up their town organization. They do not have any drains or sewers or anything of that sort up there anyway.

The story I got was that the head of the State and Welfare Department wrote to a certain person asking them to name two persons for plumbing inspectors up there. The plumbing inspectors do not have anything to do up there. There was not any plumbing; but they wanted these plumbing inspectors. The answer went back, "The town is no longer running; it is under the control of the State." A second letter was written, demanding the names of somebody for plumbing inspectors, and again this party wrote back that there was no occasion for plumbing inspectors in the town of Medford. The party in Medford got the third letter, and then sent back the names of two people that could be appointed in a town where they could have an inspector, anyway.

Now, I say that there is something wrong, somewhere, when that kind of thing goes on.

I want to tell you now of an experience that I had connected, with the Health Department. Now, I am coming back to my own experience, something that I know about.

There was a woman who lived on Peaks Island, as fine a Christian, high type of woman as there is in the City of Portland. She thought that to help pay some of her expenses,—she was a widow—that she would open a little lunch place on Peaks Island, for persons to get a lunch before they went to town on the boat.

She went into the City Clerk's office in Portland, and obtained a license. She asked an assistant in there if it were necessary for her to have a State license, and she was told that it was not necessary. But, in some way, she got an idea that perhaps that information was wrong, so she wrote to Augusta, and asked whether or not she had to have a State license. She got back a letter, including a copy of the law. Well, she could not interpret that

copy of the law, but, as she read it, she thought she came under the exemption. She wrote back to the Department of Health, and explained her position. She got no reply, and this is what happened.

A few days later an inspector from the Health Department came to Peaks Island and asked this woman if she could give him a meal. She said "I have not been giving meals, because I am trying to find out whether I have got to have a license, but, if you are hungry, I will get you a meal." She did, and he said it was a good meal and he paid her fifty cents for it. Then he went to Portland, and had that woman brought into court and fined \$10.00, and insisted upon it; and had her finger-printed and had her photograph taken. That is what this Health and Welfare Department did in that case.

I want to say that, fortunately, she came to see me that very day, in time for me to enter an appeal. I had that matter quashed by the County Attorney and I got back the photograph from the Police Department. I took it up with the Police Department, not only in this State, but in Washington, D. C., and they both agreed to return that photograph, if it came; I think it was not sent.

But that is not all. I, myself, then wrote to the Health Department here in Augusta, and told them about that case, thinking that they would have at least reprimanded the man who had done such an outrageous act. But no! I got back a letter—and I have got it yet—that upheld that cussed performance, from the Health Department of Augusta. If you think that is the way to run a Health Department, then you and I disagree.

Now, I want to call your attention next, briefly, to an abstract from two letters from two well known women whose names at this time I do not feel at liberty to reveal.

One of them says, "If the bill is passed, I believe that all interference with our Health work and Welfare work will be eliminated."

At the hearing before the Judiciary Committee, one of the women, I think she was from Medford, told of interference between the Health Department and the Welfare Department workers on a tuberculosis case,—something that would

not occur if these two departments were separated.

Another letter I quote from is as follows, and this is from a woman who travels all over the State of Maine. She says: "I wish to go on record as approving this bill one hundred per cent. Furthermore, I have contacted both men and women in fourteen counties of the State, who strongly favor the passage of the bill. They feel, as I do, that a fair trial has been given to the plan of combining Health and Welfare institutions in one department, under a commission with various directors, supervisors and assistants, and that the plan has been both expensive and very unsatisfactory."

Now, I am not here for the purpose of attacking some particular individual. I will say this much, that I have had a letter from one woman telling me how incompetent Mr. Earnest is, and I have had a letter from another woman, telling me that he is the best man that has ever held a job of this kind. Now, you can take your choice. I do not know anything about that part of it.

I have noticed something else that I am going to call attention to, and this may not have any bearing on the argument, but I think you should know it.

I find that Mr. Earnest gets a salary of \$6,000. Dr. Mitchell, who is the head of the Health Department, under Mr. Earnest, gets about \$4,500. Dr. Campbell, who is head of the Sanitary Department, I think, gets \$2,200. Mr. Morrill gets \$4,000 for salary.

Now, I do not say that is too much. I just tell you the facts.

In this little "Bureau of Accounts and Control" book, I am going to call your attention to some more facts. I notice that in the Health and Welfare Department, there is a Division Director who gets \$57.00 a week. Now, I come to Supervisors. There is an Assistant Supervisor at \$38.35 a week. There is another Assistant Supervisor at \$30.00 a week. A State Supervisor, \$57.00. An Assistant Supervisor, \$35.00. Another Assistant Supervisor, \$35.00. Another Assistant Supervisor, \$35.00. Still another one, \$35.00. One more, \$35.00. And that is under Old Age Administration.

Now, coming under the Social Welfare Administration, I find a

District Supervisor, \$48.00. Another one, \$48.00. A third one, \$30.00. A fourth one is the State Supervisor, \$57.00. The Division Supervisor, \$36.00. A Supervisor of Office Workers, \$30.00. A District Supervisor, \$34.00.

And, under the Child Welfare Department, an Assistant Welfare Supervisor at \$30.00. A State Supervisor, \$57.00.

Under the Aid and Relief Administration, the Relief Supervisor, \$30.00; the Supervisor of Office Workers, \$30.00; and Settlement Supervisor, \$36.00.

A total of twenty supervisors. I am simply calling your attention to the fact that there is a tremendous amount of supervision here somewhere, and that, in spite of it all, such things occur as I have called to your attention.

Now, my argument is simply this: That the Health Department ought to be under the management of a physician, and that the Welfare Department should be under the management of a competent supervisor in that department.

The bill itself has an amendment,—that is omitted in the copy there before you, so I will read this amendment which will go into the bill if it should pass: "The Commissioner of Health shall be a duly licensed physician, who is schooled in sanitary science and experienced in the organization and administration of public health." And the second amendment: "The Commissioner of Welfare shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has satisfactory experience in the direction of organized social welfare work of a comparable nature."

Now, so that you may understand that in this move to separate these departments we are not aiming at any person, I want to say that, in so far as I know, the same Supervisors or the same heads of those two departments may well fill them, if there is a division. There is no personality aimed at in this separation. But it seems just common sense to have the Health Department look after that Department, and the Welfare Department look after its department.

I find that in the Welfare Department there are 286 employees, and in the Health Department there are

84. Now, it seems to me that the head of the Welfare Department has got quite a job on his hands when he handles 286 employees, and that the Health Department will have something to do when they take care of 84.

Under the present set-up, Mr. Earnest is over both departments. It is his say that goes, even in the Health Department. Although I understand he is not a physician, he can overrule the physician, if he sees fit to. I do not know that we have ever had any trouble of that sort.

So that in conclusion I will merely say this. After taking these facts into consideration, coupled with the experience that I myself have had with this Health and Welfare Department, I am convinced that you will get greater efficiency—even if you keep the same men—by having the departments separate, and having the Health Department take care of the Health, and the Welfare Department take care of the Welfare.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority report "Ought to pass."

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

Mr. PAYSON: Mr. Speaker, in the report of the Department of Audit, the list of municipalities audited by the State Department of Audit, with the fees and expenses charged, I find that under Abbott, in July of 1937, \$10.25 is charged, and under the same town in 1938, \$101.74 is charged. You may be slightly amazed, but I think that is just as pertinent to this issue as the list of salaries and division heads is to the question of the divorce of Health from Welfare.

This bill is conceived in spite and sponsored by hatred by the author of the bill, not by the gentleman who just spoke for it.

I inquired of the sponsor of this bill when it was before the committee as to whether or not this separation of Health and Welfare has ever been recommended by any of the experts who have studied the situation, and I was informed that the divorce was recommended but the papers, the printed documents which showed it were not available.

I referred this morning on the question of institutional service, the

reincorporation of institutional service with Health and Welfare, to the report of the experts then, and I find on Page 88 of that report that they urge that institutional and Health and Welfare be combined into one department. I find in the latest McCombs report, made in 1938, that they recommend that Health and Welfare be kept together.

This bill simply creates another department with another department head and with another bureau which is probable; it means nothing but additional expense. The arguments that have been made for the bill so far simply deal with personalities and do not go to the merits of the situation.

You might be even willing to admit that I have not always conducted myself as you would wish a legislator to conduct himself, and perhaps you have made mistakes in this Legislature, but you would not want to abolish a system because there were a few individual mistakes, yet that is what my Brother argues in this particular case.

I believe sincerely the creation of this separate department means more expense to the State of Maine, and I hope the motion of the gentleman from Portland will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: Just a word to call your attention to what I think will cause increased expense for the State of Maine if you pass this measure that is proposed here.

The Health and Welfare work in the State of Maine is so very closely connected that it rarely happens that a welfare worker does not have occasion to do something connected with health work. If you pass this bill divorcing the two departments, it means you will have to send out two workers to each case instead of one worker as the case is now. The welfare worker looks after only the welfare end of it, and the health worker would then go out to look after the health end of it, and we would have two sets of inspectors doing the same sort of work that

one set is doing now. There would be no interchange of work between the two departments as is taking place today. Each department would have its own set of workers, its own stenographers, its own set-up. I do not see how it can possibly be otherwise than it will cost the State of Maine a great deal of additional money if we do set up two departments as is here suggested, and I doubt very much if we can get any greater efficiency.

If we are displeased with the present heads of these departments our remedy is to remove those persons and to appoint somebody who will do the job. But let us not disturb our set-up just because we do not like somebody at the head of the department. The set-up is all right; it is the man at the head that makes the trouble. That seems to be the burden of the argument in favor of this bill. I urge you to think carefully before you vote for what I believe will be an additional expense on the State of Maine by divorcing these two departments.

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

Mr. MURCHIE: Mr. Speaker, it has always been a great pleasure for me to go along with my friend from Portland, Mr. McGlauffin. I wonder if I am not now in about the same position as many a legislator here in wondering just what this might mean. I am sure that I fail to see how anything he has said on the floor of the House in the last ten minutes has any bearing on the particular matter in question. This morning we went along with the move to put the Department of Institutional Service back into Health and Welfare, and I suppose we can justify that from the point of view of economy. Now they come along under the influence of God knows what and tear that department all to pieces. I am sure we should never agree to such a thing.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority "Ought to pass" report of the Committee. All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority, "Ought to pass" report of the Committee

will say aye; those opposed no.

A viva voce vote being taken, the motion to accept the minority "Ought to pass" report did not prevail.

On motion by Mr. Payson, the House voted to accept the majority, "Ought not to pass" report.

Non-Concurrent Matter

From the Senate:

An Act relating to the Adoption of Children (H. P. 1915) (L. D. 1152) which was passed to be enacted in the House on April 18th and passed to be engrossed on April 15th.

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

In the House:

The SPEAKER: The Clerk will read Senate Amendment "A".

Senate Amendment "A" to H. P. 1915, L. D. 1152, Bill "An Act Relating to the Adoption of Children."

Amend said bill by striking out the word "consent" in the fifth line thereof and inserting in lieu thereof the word 'approval.'

Further amend said bill by adding at the end thereof the following:

'In such cases the consent to adoption hereinbefore provided for may be given by such incorporated society, asylum or home, or state department of health and welfare.'

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

Mr. HINCKLEY: Mr. Speaker, I move that we recede from our former action whereby this bill was passed to be enacted and also from our former action whereby this bill was passed to be engrossed, and adopt Senate Amendment "A".

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves that the House recede from its former action whereby it passed this bill to be enacted and further recede from its action whereby it passed this bill to be engrossed, and concur with the Senate in the adoption of Senate Amendment "A" and in the passage of the bill to be engrossed as amended by Senate Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker, may I through the Chair ask a

question of the gentleman from South Portland, Mr. Hinckley?

The SPEAKER: The gentleman may ask his question.

Mr. SOUTHard: Mr. Speaker, does this amendment mean that it takes away the law as it is in regard to adoption by probate courts and leave it with the Department of Health and Welfare?

The SPEAKER: The gentleman from Augusta, Mr. Southard, asks a question through the Chair. The gentleman from South Portland may answer if he sees fit.

Mr. HINCKLEY: Mr. Speaker, there was a bill before the committee originally which was not satisfactory at all, and it was finally redrafted and presented to the House and Senate. This amendment here cures the defect which appears in the new draft. It does not take away the law as it is in regard to adoption by probate courts; that law is left as it is. It simply provides in case a parent wants to give a child to a society or the Department of Health and Welfare it may do so by the approval of the Judge of Probate. In such a case the organization of the Health and Welfare Department may give its consent to adoption. At the present time only the parents can give consent. This would provide that if the parent gives up the child then the organization or department which got the custody might then give its consent.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House recede from its action whereby it passed this bill to be enacted, and further recede from its action whereby it passed this bill to be engrossed, and concur with the Senate in the adoption of Senate Amendment "A" and the passage of the bill to be engrossed as amended by Senate Amendment "A". Is this the pleasure of the House?

The motion prevailed, and the House voted to recede from its action whereby it passed this bill to be enacted, and further voted to recede from its action whereby it passed this bill to be engrossed, and to concur with the Senate in the adoption of Senate Amendment "A" and the passage of the bill to be engrossed as amended by Senate Amendment "A".

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to the Manufacture and Sale of Cider" (H. P. 1560) (L. D. 849) which was passed to be engrossed as amended by House Amendment "A" in the House on April 21st.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion by Mr. Ayer of Cornish, the House voted to insist on its former action and request a Committee of Conference.

Thereupon, the Speaker appointed as Conferees on the part of the House:

Messrs. AYER of Cornish
NEWCOMB of Carmel
GOODRICH of Palmyra.

Non-Concurrent Matter

Resolve Authorizing the Improvement of Fort Knox Reservation (H. P. 1889) (L. D. 1086) which was passed to be engrossed in the House on April 11th.

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

In the House:

On motion by Mr. Worth of Stockton Springs, the House voted to recede from its action whereby it passed this bill to be engrossed.

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

Senate Amendment "A" to H. P. 1889, L. D. 1086, entitled, "Resolve Authorizing the Improvement of Fort Knox Reservation."

Amend said Resolve by adding at the end thereof the following words: "and pay such other expenses in connection therewith as may be necessary."

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

The SPEAKER: The Clerk has in his possession an additional paper from the Senate which does not appear on the printed Advance Journal.

Conference Committee Report

From the Senate:

Bill "An Act to Provide Better Government for the town of Bar Harbor" (H. P. 645) (L. D. 281) which was recalled from the legis-

lative files to the Senate by Joint Order.

Came from the Senate with that body asking for a new Committee of Conference and with the following Conferees appointed on its part: Messrs. EMERY of Hancock
BRIDGES of Washington
DOW of Franklin

In the House, on motion by Mr. MacLeod of Bar Harbor, the House voted to join in a new Committee of Conference.

The Chair thereupon appointed as Conferees on the part of the House:

Messrs. GOWELL of South Portland
DOW of Falmouth
MORRISON of Winter Harbor

The SPEAKER: The Clerk has in his possession another Conference Committee Report which does not appear on the printed calendar.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Taxation of Shore Property in Wild Lands" (H. P. 1599) (L. D. 924) reporting that the House recede and concur with the Senate in the indefinite postponement of the Bill, as subject matter is covered by Section 9 of Chapter 12, and Section 37 of Chapter 13 of the Revised Statutes.

(Signed) Messrs.

ROLLINS of Greenville
HARVEY of Sangerville
MARTIN of Rumford
—Committee on part of House.

CHAMBERLAIN of Penobscot

LIBBY of Cumberland
BATCHELDER of York
—Committee on part of Senate.

Report was read and accepted.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, out of order and under suspension of

the rules, I present an Order and move its passage.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the rules be suspended in order to permit him to present an Order out of order. Is this the pleasure of the House?

The motion prevailed, and Mr. Rollins then presented the following Order and moved its passage:

Ordered, the Senate concurring, that the Legislative Research Committee be instructed to investigate all actions of the State Tax Assessor relative to valuations of shore lands in unorganized territory taken under the provisions of Section 9 of Chapter 12 and Section 37 of Chapter 13 of the Revised Statutes.

The Order received passage and was sent up for concurrence.

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

On motion of Mr. Pratt of Turner, the House voted to take from the table the first tabled and unassigned matter, Majority Report of the Committee on Education reporting Consolidated Resolve "A" (H. P. 1927) (L. D. 1165) and Minority Report of the same committee, reporting Consolidated Resolve "B" (H. P. 1928) (L. D. 1166) both under the title of Resolve in favor of several Academies, Institutes and Seminaries, tabled by that gentleman earlier in today's session pending acceptance of either report, and the Consolidated Resolves "A" and "B" ordered printed.

On further motion by Mr. Pratt, the House voted to accept the Majority Report, reporting L. D. 1165, and that it "Ought to pass".

On further motion by the same gentleman, under suspension of the rules, the Resolve was given its first reading and tomorrow assigned for second reading.

The SPEAKER: 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. Pearson of North Kennebunkport,

Adjourned until ten o'clock tomorrow morning.