

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

Wednesday, April 23, 1941.

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

Prayer by the Reverend Mr. Akeley of Gardiner.

Journal of the previous session read and approved.

Senate Reports**Refer to Legislative Research Committee**

From the Senate:

Report of the Committee on Indian Affairs on Bill "An Act relating to Loss of Membership in Indian Tribes by Marriage" (S. P. 395) (L. D. 694) reporting that this proposed Act is of such far-reaching importance both to the Indian Tribes and the State of Maine, it would seem advisable that it be studied at length and thorough investigation made, and recommending that it be referred to the Legislative Research Committee provided for by the 89th Legislature.

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass

Report of the Committee on Reapportionment reporting "Ought to pass" on Resolve Dividing the State into Executive Councillor Districts (S. P. 527) (L. D. 1090)

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.

Non-Concurrent Matter

From the Senate:

Bill "An Act to Assist Rural Sanitation Activities" (H. P. 830) (L. D. 344) which was passed to be engrossed as amended by House Amendment "C" in the House on April 2nd.

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. 830, L. D. 344, Bill, "An Act to Assist Rural Sanitation Activities."

Amend said bill by striking out the second paragraph thereof and inserting the following underlined words in place thereof:

'but such rules, regulations and ordinances shall not apply to privately owned premises to which neither public water nor sewerage service is available, provided that neither entertainment, meals nor lodging be furnished the public thereon and that the disposal of sewerage therefrom may not drain into any stream or body of water designated by the state bureau of health as subject to the provisions of this chapter.'

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

Thereupon, on motion by Mr. Mills, the House voted to insist on its former action and ask for a Committee of Conference.

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

Messrs. MILLS of Farmington

PRATT of Turner

GRUA of Livermore Falls.

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to the Personnel Law" (H. P. 1445) (L. D. 759) which was passed to be engrossed in the House on April 22nd.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Flagg of Portland, the House voted to insist and ask for a Committee of Conference.

The Speaker then appointed as Conferees on the part of the House:

Mr. FLAGG of Portland

Miss CLOUGH of Bangor

Mr. GRUA of Livermore Falls

Senate Insisting—Conference Asked

Bill "An Act relating to Powers and Duties of the State Personnel Board" (S. P. 316) (L. D. 521) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought not to pass" on April 21st in non-concurrence.

Came from the Senate with that body insisting on its former action whereby it accepted the Majority Report reporting "Ought to pass" as amended by Committee Amendment

"A" and passed the Bill to be engrossed, and with the following Conferees appointed on its part:

Miss LAUGHLIN of Cumberland
Messrs: DOW of Oxford
HARVEY of York

In the House, on motion by Mr. Payson of Portland, the House voted to insist and join in a Committee of Conference.

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

Messrs. PAYSON of Portland
HINCKLEY of South Portland
McNAMARA of Winthrop

Orders

Mr. Bubar of Weston, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that it is the opinion of the 90th Legislature that during the next two fiscal years that no person employed by the State now receiving a salary of over \$35 per week should receive a raise in the aforesaid salary, and be it further

ORDERED, that a copy of this Order be delivered to the members of the personnel board.

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

Mr. BUBAR: Mr. Speaker and Members of the House: This order will not affect anyone's present salary. The intent of this order is to declare a truce on any further salary grabs that may be in the making.

We find that since 1936, the State of Maine has increased the number of its employees by 1200, and they have increased the salaries by better than fifteen per cent. Now, someone has to pay for all these employees. Someone has to pay for all their increase in salaries. We are the ones who have to pay, because we have to dig down into our pockets to find the money.

I do not believe that we should force anyone to work for the State on a salary that will not provide for a good, reasonable living wage, but I do believe that we should declare at least a truce for two years on increasing salaries of \$50, \$60 and \$70, because they can well live on those salaries. We know that there are thousands of people in the State of Maine working mighty hard almost

every day in the year, to try and support their families, and they are not getting over \$35.00 a week.

I do not want you to think for a moment that this is any spite order, because it is not. I have no bone to pick with any Commission or any Board. But I am presenting this order because I felt that it was time that we put a stop somewhere, and put a ceiling on the salary increase that we should have here in our State. Among those under \$35.00, there may be some who are not getting what they should have, and so this order will not affect any of those. And, Members of the House, I move that we pass this order.

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

Mr. FENLASON: Mr. Speaker and Members of the House: I would suspect there was a lot of merit in that order. I would think I would go along with it under ordinary conditions, but we have a State Garage that employs a lot of labor—I do not know how much. At the present time, mechanics, skilled mechanics, are at a premium.

It was only perhaps a month ago, we had a man talk to us in the evening here, and he said that if there was one thing the Government was short of it was airplane mechanics. When he got through, I asked him if an automobile mechanic would be any use to them. He said, "Yes, that is just what we need. In ninety days they will make a first class mechanic." I told him that I had one man in mind, and he said "For goodness sake, get him in touch with us."

I cannot help wondering, if it affected our State Garage, if a fellow were offered twice as much salary as we were paying him, if it would not be dangerous, at this time, whereby there could be nothing said and no inducement made to hold him. It might be said that we could hire somebody else. I do not know whether we can or not. I think the salary adjustment would be in order.

I am not wholly in opposition to the gentleman's remarks. I think his theory is fine. Whether it would work out practically, I do not know.

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

Mr. PAYSON: Mr. Speaker, I have every sympathy with the honest intention of the gentleman who introduced the order, but I do feel that the thing is absolutely unsound and all wrong.

If the Legislature wishes to take over the fixing of all salaries of all employees, we ought to do that. We ought to go right down through the list and pass a law fixing every salary, and perhaps we better meet every six months and go over the salary list and see if we should change it. But, so long as we delegate the authority to fix salaries, it seems to me it is impertinent interference with the administration department to pass any such order as this, that absolutely ties their hands, no matter how well needed and how well placed an increase might be.

Because I think this thing needs a little thoughtful consideration, I am not going to move its indefinite postponement at this time. I am going to ask, in order that we may consider it further, that it be laid on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks that the order lie on the table.

All those in favor of the motion of the gentleman from Portland, Mr. Payson, that the order lie on the table, will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Hanold.

Mr. HANOLD: Mr. Speaker, I do not doubt for a moment but what the gentleman from Weston, Mr. Bubar, is influenced by the highest motives in presenting this order, but I want to give you ladies and gentlemen two concrete cases that have come to my attention within the last thirty days.

I do not know that there is anything mandatory, should this order have a passage, that would prevent the raising of a salary of any man or woman receiving over \$35.00. But let me tell you, first, about an industrial engineer employed by the Maine Development Commission who has recently left the employment of the State of Maine. This man was receiving \$45.00 a week. He had been with us a considerable length of time, and we considered him invaluable to our department.

He had had an offer, which he has recently accepted, from the Associated Industries of Massachusetts, at \$70.00 a week. Prior to the time of his acceptance of that offer, we made a compromise agreement and offered him a slight raise in salary. Personally I do not blame the man at all for refusing our compromise, because he has gone into a place which will undoubtedly give employment at a much higher salary than the State of Maine ever could pay.

Another case which is very pertinent to the subject happened only yesterday.

A man in a certain department in the State of Maine who was getting \$40.00 a week received a leave of absence and went to Massachusetts and he was offered \$70.00 a week. I think it would be a mistake to pass any order of this type. I move its indefinite postponement.

The SPEAKER: The gentleman from Standish, Mr. Hanold, moves that the order be indefinitely postponed.

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

Mr. SMITH: Mr. Speaker and Members of the House: There is a certain era of hysteria going on here. You might raise wages in this era but how are you going to get them down after it is all over? We might have stepped into something that we did not wish to step into. I do not know but what the order ought to prevail.

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

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

Mr. WILLIAMS: Mr. Speaker and Members of the 90th Legislature: There seems to be a question in the State of Maine at the present time just whom our State government exists for — whether it exists for the good of the State employees, or whether it exists for the good of the people of the State of Maine.

The press has continually told us that the people of the State are demanding economy, and we pay no attention to it. As yet only one amendment to any bill suggesting economy has gone through this House and been accepted, and that was a minor matter.

Of course, we should not have anything to say about the salaries that State employees receive—I realize that when we speak of that we are treading on sacred ground. But, after all, the State employees ask us to raise the money and pass the tax burden on to the people of the State.

Now, if this order covered any of our lower paid employees, such as exist in our institutions, where men and women are working for unreasonable wages—\$10, \$11, or maybe \$20 a week, I certainly would be against it, but where this order covers employees that are now quite decently paid—and looking over some of the salary adjustments that have been made during the last six months,—it looks very reasonable that most of those adjustments have been made already, to take care of the increased cost of living.

I believe that the order should be given careful consideration.

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

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

Mr. BUBAR: Mr. Speaker and Members of the House: I wish you would not be misled, providing any of you have been—that this is a salary adjustment of any kind, because we are not tampering with their salaries at all.

We are just asking the Personnel Board and heads of departments to just declare a truce, and give us a breathing spell of two years.

We are not going to cut anybody's salary. We do not want to cut anybody's salary, but we are just asking that we be given a breathing spell until the next Legislature meets.

Just to give you one instance,—one of our other speakers has brought in an incident to illustrate his point, and I might tell you of two certain employees that ride in to work every morning. They have been very well satisfied with their salaries,—they are the best salaries they have ever received,— up until three weeks ago. Then they became down in the dumps and dissatisfied. Every morning, when they come to work, one of those fellows says, "When are they getting out?" Why are they in such a hurry for us to get out of here? Because the minute we get home, up goes their

salary. Now, this order is just asking that they declare a truce for two years. I hope that the motion of the gentleman from Standish, Mr. Hanold, does not prevail.

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

Mr. McGLAUFLIN: Mr. Speaker, I was not here when this order came in. The gentleman from Sherman, Mr. Bowers, has just told me what the order is, and I am decidedly against it.

We should not interfere with salaries that we do not know anything about. This Legislature should not take any such action as this resolution suggests. Here you are undertaking to set a limit on something that you do not know what you are talking about. You are upsetting the general set-up of the whole State.

I certainly hope that this motion of the gentleman from Standish, Mr. Hanold, to indefinitely postpone this order, will have a passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Standish, Mr. Hanold, that the order be indefinitely postponed. All those in favor of the motion of the gentleman from Standish, Mr. Hanold, that the order be indefinitely postponed will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-nine having voted in the affirmative and fifty-four in the negative, the motion prevailed and the order was indefinitely postponed.

On motion by Mr. Downs of Rome, it was

ORDERED, that Mrs. Robbins of Harrison, be excused for the remainder of the session because of having an accident.

House Committee Reports Ought Not to Pass

Tabled

Mr. Morrison from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing an Excise Tax on Electricity" H. P. 1472) L. D. 606)

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that the report and accompanying papers lie on the table pending acceptance.

The SPEAKER: The gentleman from Strong, Mr. Richardson, moves that the report and accompanying papers lie on the table pending acceptance of the report. All those in favor of the motion of the gentleman from Strong, Mr. Richardson, that the report and accompanying papers lie on the table will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Eighty-three voting in the affirmative and one in the negative, the motion prevailed and the report, with accompanying papers, was tabled pending acceptance.

Mr. Richardson from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing a Consumer's Tax" H. P. 1559) L. D. 828)

Report was read and accepted and sent up for concurrence.

Mr. Newcomb from the Committee on Pensions reported "Ought not to pass" on the following Resolves:

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

Mr. PRATT: Mr. Speaker, I move to dispense with the reading of the resolves.

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

Mr. SOUTHARD: Mr. Speaker, is a motion still in order to table any of these resolves?

The SPEAKER: The Chair will state that it is in order.

The question before the House is on the motion of the gentleman from Turner, Mr. Pratt, that the House dispense with the reading of the list of resolves.

Thereupon, this motion prevailed, and the House dispensed with the reading of the list of resolves, which follows:

S. P. 31, Resolve Providing for an Increase in State Pension for Mary I. Ruth, of Augusta.

S. P. 163, Resolve Providing for an Increase in State Pension for Harry Bean, of Augusta.

S. P. 164, Resolve in Favor of Jennie D. Wasgatt, of Augusta.

S. P. 202, Resolve Providing for a State Pension for Robert Haskell, of Brewer.

S. P. 264, Resolve in Favor of Lewis F. Merrill.

H. P. 108, Resolve Providing for a State Pension for Bertha B. Baker, of Lewiston.

H. P. 109, Resolve Providing for an Increase in State Pension for Laura M. Hayes, of Chelsea.

H. P. 110, Resolve Providing for an Increase in State Pension for Evie B. Houstus, of Brooks.

H. P. 251, Resolve in Favor of Milton D. Conners, of Hampden Highlands.

H. P. 252, Resolve Providing for an Increase in State Pension for Elber R. Jackson, of Jefferson.

H. P. 258, Resolve Providing for an Increase in State Pension for Perley A. Haskell, of Augusta.

H. P. 259, Resolve Providing for an Increase in State Pension for Nora E. Peters, of Ellsworth.

H. P. 316, Resolve Providing for an Increase in State Pension for Sarah A. Ferguson, of Hallowell.

H. P. 317, Resolve Providing for an Increase in State Pension for Sadie H. Nason, of Hallowell.

H. P. 341, Resolve Providing for a State Pension for Frank Emerson, of Liberty.

H. P. 345, Resolve Providing for an Increase in State Pension for Jessie S. Crocker, of Pittston.

H. P. 349, Resolve Providing for a State Pension for Fred E. Flood, of Waterboro.

H. P. 435, Resolve Providing for a State Pension for Louise Randall, of Castle Hill.

H. P. 442, Resolve Providing for a State Pension for Mary Decker Leighton, of Alna.

H. P. 443, Resolve Providing for an Increase in State Pension for Carrie E. Bresnahan, of Ellsworth.

H. P. 475, Resolve Providing for a State Pension for George B. Paul, of Searsmont.

H. P. 654, Resolve Providing for a State Pension for George L. Hearin, of Knox.

H. P. 655, Resolve Providing for a State Pension for Samuel Harvey, of Northport.

H. P. 657, Resolve Providing for a State Pension for Frank A. Choate, of Montville.

H. P. 659, Resolve Providing for an Increase in State Pension for Lonnie C. Starbird, of Bowdoin.

H. P. 837, Resolve Providing for a State Pension for Mary E. Woodcock, of Newport.

H. P. 840, Resolve Providing for an Increase in State Pension for James A. Overlock, of Liberty.

H. P. 845, Resolve Providing for a State Pension for Floyd E. Haskell, of China.

H. P. 849, Resolve Providing a Pension for Mary J. Greenleaf, of Madison.

H. P. 850, Resolve Providing for the Increase of the Pension of Mabel Bump, of Farmington.

H. P. 852, Resolve in Favor of Frue A. Thomson, of Kittery.

H. P. 856, Resolve Providing for a State Pension for Addie A. Hasselbrock, of Gardiner.

H. P. 857, Resolve Providing for an Increase in State Pension for John W. Chase, of Fairfield.

H. P. 928, Resolve in Favor of Julia D. Winship, of Augusta.

H. P. 932, Resolve Providing a State Pension for Elizabeth M. Light, of Hermon.

H. P. 936, Resolve Providing for a State Pension for Leroy W. Gordon, of Thorndike.

H. P. 937, Resolve Providing for a State Pension for Prescott A. Hobbs, of Pittsfield.

H. P. 939, Resolve Granting Increase in State Pension for Flora E. Babb, of West Gardiner.

H. P. 940, Resolve Providing for an Increase in State Pension for Daniel H. Meader, of Hallowell.

H. P. 942, Resolve Providing for a State Pension for Hubert A. Roy, of Rumford.

H. P. 943, Resolve Providing for a State Pension for Levi Richard, of Rumford.

H. P. 1036, Resolve in Favor of Avery Dyer, of North Haven.

H. P. 1037, Resolve in Favor of Mr. Ethel R. Young, of Augusta.

H. P. 1043, Resolve in Favor of Charles H. Moody, of Pittston.

H. P. 1045, Resolve Providing for a Pension for Charles R. Getchell, of China.

H. P. 1048, Resolve in Favor of William Wallace Faulkner, of Houlton.

H. P. 1053, Resolve Providing for an Increase in State Pension for Burleigh E. Beane, of Waite.

H. P. 1237, Resolve Providing for a State Pension for George Kovaly, of Lisbon.

H. P. 1277, Resolve in Favor of Norman P. Richards, of Rockland.

H. P. 1303, Resolve in Favor of Mary S. Diplock, of Augusta.

H. P. 1325, Resolve Providing for a State Pension for Delphine Goodwin, of Pittston.

H. P. 1326, Resolve Providing for a State Pension for Charles Webster, of Belgrade.

The SPEAKER: The question before the House is on the acceptance of the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker, I move that House Paper 928, Resolve in Favor of Julia D. Winship of Augusta, lie on the table.

The SPEAKER: The gentleman from Augusta, Mr. Southard, moves that the report and accompanying papers on H. P. 928, Resolve in favor of Julia D. Winship, lie on the table pending acceptance of the "Ought not to pass" report. All those in favor of the motion will say aye, those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

Thereupon, the "Ought not to pass" report of the Committee on all the foregoing resolves was accepted and sent up for concurrence.

On motion by Miss Bangs of Brunswick, a viva voce vote being taken, House Rule 25 was suspended for the remainder of today's session.

First Reading of a Printed Bill

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)

Bill was read twice and tomorrow assigned.

The SPEAKER: The Chair will state that the Clerk has just received a Conference Committee Report which he will read at this time.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Imposing an Additional Gasoline Tax" H. P. 1475)

L. D. 615) reporting that the Committee is unable to agree.
(Signed)

Messrs. HOLMAN of Dixfield
GRUA of Livermore Falls
SANDERSON of Greene
—Committee on part
of House.
FRIEND of Somerset
DOW of Oxford
BOOTHBY of York
—Committee on part
of Senate.

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

Mr. ROLLINS: Mr. Speaker, I move we reject the report of the committee and ask for another Committee of Conference.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House reject the Conference Committee report and ask for another Committee of Conference. Is this the pleasure of the House?

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

Messrs. ROLLINS of Greenville
DOWNS of Rome
BREWER of Presque Isle

Passed to Be Engrossed

Bill "An Act Recreating the Bureau of State Institutions" (H. P. 246) (L. D. 85)

Resolve Authorizing the Purchase of Property for the State (S. P. 558) (L. D. 1160)

Resolve providing for the Revision of the Statutes (S. P. 561) (L. D. 1163)

Resolve in favor of Several Academies, Institutes and Seminaries (H. P. 1927) (L. D. 1165)

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

Amended Bills

Bill "An Act relating to Labor Relations in the State of Maine" (S. P. 562) (L. D. 1162)

Bill "An Act relating to the Salary of the Attorney General" (H. P. 1464) (L. D. 740)

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

Passed to Be Enacted

An Act relating to Automobile Junk Yards (S. P. 539) (L. D. 1117)

An Act Revising the Regulation of the Clamming Industry in Lincoln County (S. P. 556) (L. D. 1155)

An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways of the State of Military Importance (H. P. 1902) (L. D. 1127)

Finally Passed

Resolve in favor of the Children's Aid Society (S. P. 557) (L. D. 1156)

Resolve providing for the Payment of Certain Pauper Claims (H. P. 1919) (L. D. 1157)

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

Orders of the Day

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

Mr. HOLMAN: Mr. Speaker, I move that L. D. 615, Bill "An Act Imposing an Additional Gasoline Tax" be sent forthwith to the Senate.

The SPEAKER: The Chair will state that if the gentleman will withdraw his motion at this time it is contemplated that all papers will be sent forthwith to the Senate at the end of this forenoon's session.

Mr. HOLMAN: Mr. Speaker, my idea was that they might have a chance to appoint that committee before they recessed.

The SPEAKER: The gentleman from Dixfield, Mr. Holman, moves that the Conference Committee Report on L. D. 615 be sent forthwith to the Senate under suspension of the rules.

All those in favor of the motion of the gentleman from Dixfield, Mr. Holman, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The House may be at ease while the Clerk makes the proper entries before sending the papers to the Senate.

House at Ease

Called to Order by the Speaker.

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

The Chair lays before the House the first tabled and especially assigned matter, Bill "An Act Relating to Taxes Upon Wines and Spirits" (H. P. 1474) (L. D. 607) tabled by the gentleman from Portland, Mr. Payson, on April 21st, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, perhaps I owe the House an apology, but in this particular bill we are fooling around with a four or five million dollar business. I have an amendment which is on our desks which is all prepared, but there is at this moment a conference going on between the Liquor Commission and the other administrative officials to see whether this amendment meets the situation, and so, as a practical proposition and with apologies I ask leave to table this measure again and specially assign it for this afternoon.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that this bill lie on the table and be specially assigned for this afternoon's session. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

The Chair lays before the House the second tabled and unassigned matter, Bill "An Act Relating to Hours of Employment." (S. P. 524) (L. D. 1085) tabled by the gentleman from Bangor, Miss Clough, on April 21st, pending motion of the same gentleman to reconsider passage to be engrossed; and the Chair recognizes that gentleman.

Miss CLOUGH: Mr. Speaker, as I stated the other day, my purpose in asking for reconsideration of this bill was to restore to the bill three important words that were left out by inadvertence in the rewording of the bill. It would seem to me to be quite necessary for the consideration of the whole bill to return these words.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Miss Clough, that the House reconsider the passage of this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed and the House voted to reconsider the passage of the bill to be engrossed.

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

Miss CLOUGH: Mr. Speaker, I now present House Amendment "B" to L. D. 1085 and move its adoption.

The SPEAKER: The gentleman from Bangor, Miss Clough, presents House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" to S. P. 524, L. D. 1085, Bill, "An Act Relating to Hours of Employment."

Amend said Bill by adding after the word "exchange" in the 6th line of Section 2 thereof the following words, **'workshop, factory, manufacturing'**.

Further amend said Bill by striking out in the 6th line of said Section 2 the words **"in any"**.

Further amend said Bill by striking out in the 16th line of said Section 2 the words **"or local retailing capacity,"**

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "B"?

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

Mr. SMITH: Mr. Speaker, I would like to ask through the Chair a question of the gentleman from Bangor, Miss Clough.

The SPEAKER: The gentleman may ask his question.

Mr. SMITH: Mr. Speaker, does this amendment affect the canning industry in any way?

The SPEAKER: The gentleman from Thomaston, Mr. Smith, asks a question of the gentleman from Bangor, Miss Clough. The gentleman from Bangor may reply or not as she sees fit.

Miss CLOUGH: No. Mr. Speaker. This amendment in no way affects the canning industry. That is taken care of in the exemptions which are in the original bill.

The SPEAKER: The question before the House is on the adoption of House Amendment "B". Is it the pleasure of the House that House Amendment "B" be adopted?

Thereupon House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move that this bill, L. D. 1085, and accompanying papers, be indefinitely postponed.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that this bill be indefinitely postponed. The Chair recognizes the gentlewoman from Bangor, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: This same thing I thought was fairly well explained last Friday. This amendment that Miss Clough has now offered will not alter it in any way; it simply explains things and makes them a little bit easier for you to interpret.

Now I understand and realize that a lot of work has been done since last Friday, hiding behind the skirts of women and saying we must protect them. These same women are asking for this very thing; they need this very thing. They are in places where they will have a lay-off for a while or a slack period for a while and then they will have a group of orders come in.

For instance, in a shirt factory they will have an order come in saying, "We want six hundred shirts". If these women cannot get that work done within a certain period of time and they say, all right, you may have three hundred, someone else will take the other three hundred.

Now these women are willing to work; they want to work; they need to work. Now when they work fifty-four hours that is the end and they have to go home. They may work one week of fifty-four hours and lay off two weeks. They ask me, "May we work a forty-eight hour week, and when we do have a peak come along may we work our forty-eight hours and work overtime and receive pay of not less than our regular hourly wage?"

Now some of you have said, "We must protect the women from these terrible things." I will tell you what many of the women are having to do because of the hours in laundries. They can work just fifty-four hours in laundries. I know of a mother of twelve children who takes that laundry work into her own home because she can work there in her home as long as she wants to. It is nothing to go into that woman's home and see stacks of

damp clothing three feet high. She is working right there in her house doing that work. If she were allowed to do the same thing, work her period of time in the laundry, she would not have to have all that damp clothing around her house or have to do that in her home. She is willing to do that.

The other day it was brought out that we have a shortage in labor. These women are having a chance to work now. They have asked for it; they are willing to do it. If these places you speak of may possibly be a sweatshop, all they have to do is call a strike; they do call a strike, and they are protected. All they want is a chance to make a living.

One man said, "Oh, what is the matter with that woman taking Mother's Aid? She had five children. There are some people who have not yet been able to swallow the bitter pill and take outside assistance; they are willing to go along and do their work and earn their living; and is it fair for us to say: "You stay in your house and we will bring in food and clothing". If they are willing to work, the least we can do is let them go ahead and do it. While they are having a slack period they will work forty-eight hours, but when they have a chance to earn money to carry them over the slack period why can't they do it?"

You know when you go down to the store to buy a suit of clothes, if that man does not have a suit of clothes in the store you do not wait until he gets one in; you go to the next store and buy it. It is the same way with these people who have orders to place; they want to place them where they can get that work done. I cannot see why any of this feeling should come up if you are considering it in the spirit of fair play and honesty to these people who want to work, and I certainly hope the motion of the gentleman from Bucksport (Mr. Pierce) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move that when the vote is taken it be taken by a division.

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

Mr. ROLLINS: Mr. Speaker, through the Chair I would like to ask the gentleman from Bath, Miss Deering, a question.

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

Mr. ROLLINS: Mr. Speaker, I would like to know what percentage of working women of the State work in that shirt factory.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, asks a question through the Chair of the gentleman from Bath, Miss Deering. The gentleman from Bath may reply or not as she sees fit.

Miss DEERING: Mr. Speaker, I really cannot say what percentage of women work in that shirt factory, but I can say they are a percentage representing a very large group.

The shirt factory was taken simply as an example, but it includes laundries, it includes factories, it includes stores, it includes any type of labor where you do not have a steady flow, where it comes in a peak and then levels off.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of this House: This bill is the nearest thing to being a tragedy of any bill put into this House with a supposed purpose of benefitting labor. There is concealed in it that which actually makes it poison to its supposed beneficiaries.

In the first place, no matter what dreams any one may have of being a factor in labor legislation, this State needs no new labor law at present. In the second place, the feeling that this bill has created in this House in the past few days, is that we were expected to take it and like it. When we see House Rules brought into effect such as was tried last week in an attempt to choke off a member, it gives us the impression that too much discussion of this bill is not wanted by its proponents—that there is a "nigger in the woodpile." Because somebody who perhaps never put in a day's work in a factory or similar workshop in their life, tells us that they think this bill is just the thing to adopt, is this any reason why we should approve it with our eyes shut?

In the third place, this bill was so beautifully camouflaged it was supposed to fool this Legislature and slip through. It was pretty well on its way, too, until the gentleman from Bucksport, Mr. Pierce, threw a monkey wrench into the works. That amendment protecting women brought a squeal of protest.

Most of us got the idea that this bill was placing a 48 hour limit on a week's work for both men and women. Our present law places the limit at 54 hours for women. Reducing to 48 was a step in the right direction. This bill, however, is no such step. It is no step; it is a kick. A kick aimed right at female labor. Worst still; a kick aimed at unorganized labor.

For years labor has asked, demanded and fought for shorter hours and we have watched with favor as the hours shortened down to 54 for women as they now are. Under the Federal law the limit is 40 hours. Now, if this bill further reduced working hours for women to 48, any decent person would stand behind it.

We are told that this bill will put women and men on an equal footing. We know better than that. Men have never climbed up to an equality with women,—we don't wish to. Labor has always fought for a system regulating the working week to a reasonable length in connection with a fair living wage. By our present law, labor has pretty well got it and in this State we have no cause for shame.

This proposed law is a cause for much concern. It looks very much like a subtle beginning to break down the labor system of this State. This bill is more than misleading; it is actually pernicious. I really do not think that its proponents know what they are doing. It creates the idea that the working week is to be 48 hours,—that the bill is a benefit to workers. We are told that women are crying for it. In reality, it just takes the lid right off.

We read about the limit of 48 hours in one week and then comes the joker, if one can be so hard-hearted as to call it a joker. It tells us that the limit is 48 hours—unless such employee receives compensation for any employment in excess of 48 hours at a rate not less than the average hourly wage. Do you get that? Work 48 hours and then as many more as desired

but not at a lower rate than for the first 48. That is the rawest, crudest deal that I have run up against in a long, long time. It makes our 54 hour law look like a piker. Why, even years ago, it was the custom to pay at least 10% for overtime. Today the rate is time-and-a-half for overtime.

I call this bill a throw-back to the dark ages. Here is what this bill will do. It will be a direct cause for a very low wage scale. To get a living, one will be compelled to work long hours at small pay. We know what innumerable stinks have been stirred up in this country by sweat shops.

A sweat shop: Overworked, weary, underpaid and underfed women. Next thing to a prison. Does Maine want that? Can we assimilate such propaganda as women just begging to work 60 or 70 hours a week? The women of this State are not doing any such begging. I have had plenty of experience in this line. When anybody works 54 hours in one week and cannot earn enough to live decently, the remedy is not longer hours, it is higher wages.

Now, let us get right down to actual facts about the outcome of this bill if it becomes a law. The women will not be begging to work longer hours—they will be told to and will have to—or else. No member of this Legislature who cares a rap for the interests of labor, would conscientiously break down what both working men and women have struggled for years to attain. If labor wanted anything now, don't you suppose it would ask for it?

We have seen a lot of handwriting on this wall up here. Some of it read: "Mene, Mene, Tekel, Upharsin!" Today it looks to me like: "Eenie, Meenie, Mynie, Mo!" and if we enact this bill into a law, some of the laboring women back home are going to brand us "It." And we are not going to like it.

Postpone this bill indefinitely before we make a mess that we later will sincerely regret.

It actually makes me sick to even think of me, here in this Legislature, and lending a hand in placing such an affliction on the women workers of this State. Some of them may be our own women, too, who knows?

I ask that there be a yea and nay vote, because I do not want to go on record as favoring any such

bill as this and selling them down the river.

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

Mr. RANKIN: Mr. Speaker and Members of the House: I have just listened to some strong words — I am not sure I can put it quite so strongly—but essentially I agree with the gentleman from Brunswick, Mr. Brown. It is not a labor bill. This is an anti-labor bill. I think there is no question about that. We have had reactions to indicate that was true.

The other day we listened to the moving address of the gentlewoman from Bath, Miss Deering. I was moved by it, I confess, but I recovered in time to vote the other way. And I have not changed my mind a particle.

I simply wish to repeat, in substance, what the gentleman from Brunswick, Mr. Brown, has said,—the fact that this bill, if adopted, would undo the work, the long struggle of years, on the part of labor,—on the part of union labor, and on the part of much labor not organized. It virtually takes the lid off as to wages, as to overtime, as to the hours of labor. To pass such a law as this, I think is extremely dangerous.

I do not doubt that there are exceptional cases calling for our sympathy, referred to by Miss Deering, but it often happens, of course, that a law will do, or seem to do injustice in some cases. But labor laws, as we have them now, are designed to do the greatest good for the greatest number of people. I believe that some elements in this bill would have precisely the opposite effect. So I am hoping that the motion of the gentleman from Bucksport, Mr. Pierce, may prevail.

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

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

The SPEAKER: The gentleman may have that permission.

Mr. MCGLAUFLIN: Mr. Speaker, I am opposed to the motion of the gentleman from Bucksport, Mr. Pierce, and I favor the bill of the gentlewoman from Bath, Miss Deering.

The argument just presented by the gentleman from Brunswick, Mr. Brown is an argument that might be very sound in normal times, but I do not think it applies at this time.

Yesterday, I cut from the Christian Science Monitor this clipping: "British women numbering 250,000, between the ages of twenty and twenty-one, are expected to register today on the first British conscription of feminine labor in war industries." We are not yet at war but we are living in strenuous times. What will happen in a day or a week, we do not know.

At this time, as never before in the history of the country, we should be free, every last one of us, men and women, to be able to work, if we want to or if we need to

They say that under the present law you can work in emergencies. Who is going to determine an emergency? The emergency may be here today. We are having strikes all over the country. Who knows how soon it may be necessary to have the women help out in arms and material production right here in this country?

This is no time to talk about short hours and the highest possible pay. This is the time when we need some patriotism and we need to be free to act. That is not all. For eight long years both men and women by the million have been out of employment. They could not get jobs. Good workers of both classes have hunted in vain for jobs and have been on relief.

Now, at the present time, when we are all out to help England, when we are all out to build a big navy and a big army, when we are all out to get every sort of materials to defend this country, an opportunity has arisen whereby men and women can get work. Here is an opportunity, if they want to work,—as I understand this bill,—a woman can work more than a limited number of hours and get extra pay. She has not got to do that. It is up to her. Why should not she have that privilege?

I was talking with a Representative this morning who insists that he will vote to protect women. He is not going to let her work more than fifty-six hours in any one week.

That woman does not have to work more than fifty-six hours, un-

less she wants to. If she does not want that protection, why should you compel her to have it, whether or no?

I think, Ladies and Gentlemen of this House, that this is not the time to curtail hours or labor. This is the time to give these women the opportunity to labor, if they so desire.

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

Mr. SHESONG: Mr. Speaker and Members of the House: It was not many years ago that the Legislatures of this country and the Federal government as well, were struggling with the problem of Woman Suffrage. Fortunately, I am one of those that are proud that the women got equal suffrage.

There were those ladies of former days who had a theory that women were the equal of men in all respects. To that theory I cannot subscribe, and I realize, perhaps, I am going out on a limb on that. But I think that if the Almighty had intended them that way, he would have built them differently. (Laughter)

The Almighty intended women to rear children, and I subscribe to the theory that it is the duty of men to protect women in that capacity. I am old enough to remember when the Fifty-four Hour Law was passed. At that time I was in college in Waterville, nineteen miles up the river. I remember very distinctly coming down here and sitting up there in the gallery and listening to the arguments for and against the Fifty-four Hour Bill.

The Legislators of that day were told that if the Fifty-four Hour Bill were passed, the industries of the north would move to the South, and that the State would go bankrupt. Now, that did not happen at all, and the Fifty-four Hour Law Bill passed.

That bill, I think, has been very successful in keeping economic conditions as they should be in this State. Now, we come to the time when a group of women see fit to overturn a law which has been on our books about twenty-five years.

I know some of the evils that existed in the old days, prior to when the Fifty-four Hour Law was adopted.

Reference was made, a few minutes ago, to a shirt factory. It so

happened that in the City of Waterville there was a shirt factory there. I boarded in a home where one of the ladies worked in the shirt factory. She was obliged to work because she had two small children. I know that day after day that woman worked anywhere from ten, twelve, fourteen, or even sixteen hours a day, and came home and tried to take care of the children at night. Her condition was deplorable. She had tuberculosis and later died. You know that tuberculosis was very prevalent back in those days. I think if we pass this law at the present time—even though they argue there is need for the employment of women in defense industries—I think you will be taking a decided step backward.

I hope the motion of the gentleman from Bucksport, Mr. Pierce prevails.

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

Miss DEERING: Mr. Speaker and Members of the House: I have seen men hide behind women's skirts before, but never quite as beautifully as in a case like this.

A man made a statement to me the other day that Labor had the whip hand in the State of Maine. After seeing a few things that happened from Friday morning on, I can see how hard they are struggling to keep that, with women as the excuse for their toe-hold.

I have no prepared speech here. Some of them have. What I have to say I am saying sincerely and earnestly. My political future does not mean a thing to me. The thing that means the most to me right now is for a woman who has the need to work longer and earn money to buy clothes and food for her children—give her a chance to work.

Indirectly, I was accused of never having had to work in my life. I worked one summer for a dollar a day. I started off very nicely. The hours gradually crept up. If there had been a law of forty-eight hours a week, and that when you worked overtime you would get overtime at the rate of not less than your regular hourly wage, I would have had a fairly good check, when I got through,—which I did not.

I have worked in stores and I have worked in mills.

This is one of the biggest death blows to your camps. If this law is carried out to the "T", very few of your recreational camps in the State would be able to run.

Now, you speak of the struggle to get this down to fifty-four hours to protect the women. You certainly have done a fine job. I talked with a woman the other day, who for the past ten weeks has worked 105 hours a week—that is fine protection! She says she is perfectly willing to keep on, because it is a peak for a time, if she can be paid over-time at a rate of not less than her regular hourly wage.

I have been accused of making a very leaning speech and the men were fooled for a while. All right,—you were fooled for a while. I will take you into one of the homes where a woman is asking for this. She is sending five children to school in the morning. She gives them a potato sandwich. Instead of complaining of not having meat to put in that sandwich, she is thanking God she has potato to put in the middle of it. She is not kicking around and fussing to you about overtime, and so forth. She says, "Let me have a chance to work, when it comes along, and I will be all right." Is not this America, where a person is allowed to earn a living wage, if he or she wants to? What is the matter, when we, who are supposed to be free citizens, are allowed to work so many hours? The sad part of it is that there are a few places that are watched very, very carefully, and other places are not watched at all.

If you are going to protect these women, as some of you are so nobly going to do, you better go into their homes, and say, "After you have worked fifty-four hours, you let that child cry. You let it go. When that child cries at night, do not bother. You have worked your fifty-four hours."

Go onto your farms and say to the women there, "After you have worked fifty-four hours, do not do anything more. Those crops will probably get along all right—maybe. But there is a fifty-four hour law. You abide by it. You do not have any right to work over-time, if you want to."

If the real honest-to-goodness true issue of this thing came out, you would find out that it is not for the protection of your women.

You talk about politics being in this. You talk about unfair things being brought up as a cloak. This is one of the worst things I have ever seen. You talk about being vicious, —denying those women the privilege of earning a living when they have a chance it is the most cruel, unkind, vicious thing I have ever seen in my life.

You are not fooling those women at all, by saying that you are nobly protecting them. If they have a chance to work and want to work, what right have we to say "No"?

We have been struggling here for weeks, to find out how we were going to tax people.

When we decided, "Well, here is a tax measure"—in would come a few telegrams, and we would say, "No, we will not have that tax. The people back home do not want that tax."

Along comes another one. Then a few telegrams come in, and we say "No, we will not tax that. The people back home do not want that."

Now, an economy wave is going on,—and of course, we do not need to raise any more taxes.

There are just as many empty mouths and stomachs in this State now as there were when we came up here. There are just as many people who need clothes. But there is a chance coming along for them to lay up a little bit for a darker hour, and we say "No, you cannot do it, because we are going to protect you." What protection are you going to give those women, when they go home from the stores or factories? See the conditions in their homes, and realize they cannot possibly work any longer.

I explained it as carefully as I did, Friday. This thing was all taken care of Friday, but I realize that over the week-end that there was an awful lot of pressure being put on. There was pressure being put on while I was talking. There were a few gentlemen out in the corridor,—as this one came up, and that one came up,—sending in and saying, "Here are your orders. Go back in and take them."

If you want your orders, do not pay any attention to any man or woman out there in the hall, but you go into the homes of these people who are directly involved.

Some of you said, "If you will put an amendment on there, and make it time and a half, we will go along." They cannot do it. It is impossible. If they earn it, they get it.

The people who are directly affected by this have said, "That is all right. We will go along with it. That is what we want." And believe me, friends, if you cannot go along, and give anything as fair as this; if a small group of people are going to decide your minds for you, behind the cloak of protecting the women, I do not know what is going to happen in a short period of time. It is not going to be satisfactory to the people who are depending on this chance to get by.

You have a salary tax coming from your government. One of the men who is involved in this thing right here, and works in a store, said: "I understand I am going to have \$5.00 a week taken out of my salary. I cannot live on it." He said if he were under this—working forty-eight hours a week and overtime, that is all right; that is what he wanted. He said, "I am supposed to go home after fifty-four hours but I do not, and I do not get any more for staying."

Now it is going to be a yea and nay vote. I think it would be interesting, if a few of these yea and nay roll calls were collected, and sent around to some of these people who are worried about the outcome of this thing. The people who are fighting against this thing right here, will know how it goes, and how it affects them. But the people whose bread and butter are dependent on it—you can call it hysterical, if you want to—but, believe me, the thing is getting where it is mighty hysterical,—you can call it anything you want to but I do not know what the outcome is going to be if you continue to tie their hands in this manner.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker and Members of the House: First of all, I plead guilty to being one of those men who is nobly trying to protect the women, and I would like to ask—before going any further—I would like to ask the gentleman from Bath, Miss Deering, a question through the Chair.

Mr. Speaker, I would like to ask the gentlewoman from Bath, Miss Deering, who that noble employer is that employs a woman 105 hours in one week, an average of over seventeen hours in any one day?

The SPEAKER: Has the gentleman asked his question?

Mr. BELANGER: Mr. Speaker, I asked a question through the Chair.

The SPEAKER: Will the gentleman kindly relinquish the floor?

The gentleman from Winslow, Mr. Belanger, asks a question through the Chair, of the gentlewoman from Bath, Miss Deering, and the gentlewoman from Bath, Miss Deering, may reply, or not, as she chooses.

Miss DEERING: Mr. Speaker, I could answer the question but it has always been my policy, and always will be, that before I use the name of a person, I ask that person's permission.

I cannot get that permission at this time, but I can tell you that it is very close to this State House and I can tell you that many of these conditions have been reported to people who could take care of these things, and that has not been done—but when the people ask for a chance to get along, the same people, who will not help them, hinder them.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Sylvia.

Mr. SYLVIA: Mr. Speaker, just a word to correct one of the flowery statements of the gentlewoman from Bath, Miss Deering.

If I am not mistaken, I heard her say some mother worked 105 hours a week and sent five children to school with potato sandwiches. Is that woman a credit to humanity? Those are the kind of mothers who fill up our sanatoriums with tubercular children. If such a woman works all those hours, we had better take the children and put them in an institution, where they will be properly nourished, and give her a pick and shovel and let her go and work. I hope the motion of the gentleman from Bucksport, Mr. Pierce, prevails.

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

Miss CLOUGH: Mr. Speaker, just for the record: That old Machiavellian Clough who sat on the committee would like to correct

some of the statements that were made by Mr. Brown.

I do not know of any bill that has been before this Legislature that has had more affectionate attention than this one. Every member of the committee can testify to that. When the bill was heard in public hearing representatives of labor wanted it and spoke for it; industry agreed to it and spoke for it; private citizens spoke for it. It was the feeling of the committee that people really wanted it. Every member of the committee voted on this bill "Ought to pass", and it went along its usual course.

I am saying this for the record because I do not want you to think the Labor Committee crammed anything down the throats of this Legislature.

When the bill came to second reading it was tabled not by Mr. Pierce but by Mr. Gowell, at the request of the Labor Committee, in order that we might present an amendment on which we had agreed with the labor representatives.

Now there seems to be two schools of thought concerning this bill. It is something like the woman who labelled her cans "T. M. T. M."—"tis mincemeat, t'aint mincemeat".

If you believe in voting for this bill you open up the whole subject of exploitation again and that in two years if this bill had a passage there would be a growing list of people that would be exploited because of this bill, it would be your duty as guardians of labor in this State to vote against it, but if you believe times have changed since 1915 and we can now afford to try and put our labor legislation in line with the Fair Labor Standards Act and other legislation by making a short start on that, fixing forty-eight hours a week for men and women—because the Federal Fair Labor Standards Act makes no discrimination between the two—then you will go along with this bill.

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

Mr. JONES: Mr. Speaker and Ladies and Gentleman of the House: We in Knox County are vitally interested in this bill. I am not able to use the sarcasm and the flowery words that have been used by some of the speakers, but I

will say in Knox County we have conditions that exist only in one county in the State so far as pertains to the labor of women.

We have the canning industry; we have the laundries, and we have factories that during particular seasons of the year have peak loads, particularly our laundries. Our city is a summer city, and our yachting business is very large and means much to our citizens and residents, and our laundries are crowded to death with work, work that cannot be accomplished in forty-eight or fifty-four hours. Our canning industry, as you know, is seasonal. At the time of year they expect to get fish there are not always fish, and when the fish do come they are landed at the different canneries at all times of day and night, and those people are on call at all times, and there may be plenty of times when the girls and women in those factories have to work more than the required time; but, due to existing laws, after fifty-four hours of steady employment they have to go home.

In our particular territory and county we do not have the reserve labor they do in other sections of our State, consequently our factories, and particularly our canning factories have to close down. That means perhaps the spoiling of large quantities of fish. They cannot be canned, due to the fact they have not labor enough except for only one shift.

Earlier in the session we city fellows helped the farmers, particularly in Aroostook County, and we city fellows from Knox County expect a little help from Aroostook County on this particular measure. If we can give, we can accept. I trust that the motion of the gentleman from Bucksport, Mr. Pierce, will not prevail; and I expect the help of Aroostook County.

The **SPEAKER**: The Chair recognizes the gentleman from Can-ton, Mr. Forhan.

Mr. **FORHAN**: Mr. Speaker and Members of the House: I wish to call your attention to the fact that any help in the matter of taking care of perishables is already taken care of. They can work twenty-four hours a day if they want to.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Bucksport,

Mr. Pierce, that the bill be indefinitely postponed.

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

Mr. **WILLIAMS**: Mr. Speaker and Members of the House: There is one reason I suppose I should vote for the motion of the gentleman from Bucksport, Mr. Pierce, and that is for the simple reason three labor organizations in the City of Bangor sent me wires telling me what to do. I suppose I should follow the ideas of these labor organizations because those are the particular groups, the local unions, that are charging outrageous fees to the men working on the defense of our country. Before he can work on a defense project in Bangor—and probably it is the same all over our country—the ordinary worker must pay around twenty dollars for a membership in order to get his job. And then what is happening? As soon as the twenty dollars is taken out of his wages a large group of them are fired. Therefore I suppose I should vote for this group!

There is indeed a tragedy in our whole labor situation in Maine, and it is a tragedy throughout our country. We are falling into the same tragedy into which France has fallen, because we are not willing to sacrifice for the good of our defense, for the good of our nation.

In a few months I may be inducted into the service, being of that age and being of sound health. I will tell you this: If the labor situation continues as it is, I for one will be better off, and I do not see why the boys in the camps are not better off, when they are forced to take twenty-one dollars a month while those receiving seventy-five cents to two dollars and a half an hour are striking against our country. I have no use for Communism or any of these other "isms" that have crept into this session of the Legislature. This sounds like sensible legislation. I am not an authority on labor legislation, but I believe in organized labor. I have seen the fine results that come from organized labor, having spent a lot of time in a mill town. A very fine condition exists in the town of Millinocket, where labor is organized on a sensible, sound basis. I believe in organized labor, but I do not believe in radicalism that we have in America today, the type

that if this country fails in this emergency will be the cause of that failure.

I believe that here is a sensible piece of labor legislation. Let us tell the world and the United States especially, that the State of Maine believes in sound, sensible, just and equitable legislation. I hope that the motion of the gentleman from Bucksport, Mr. Pierce, does not prevail.

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

Mr. ARZONICO: Mr. Speaker, I had not intended this morning to say anything with reference to this measure. However, after the remarks of the gentleman from Brunswick (Mr. Brown) I think I am in duty bound to rise in defense of the Committee on Labor, being a member of that committee.

This bill, or at least the original bill out of which this one rose, was in our committee the past three months for our consideration, and I think every member of the Committee on Labor will agree with me when I say that this is the one bill that came before that committee that we really honestly and conscientiously gave undue consideration. We labored long hours over this particular bill. We thought that the representatives of labor wanted it because we were given that impression. We drafted three different bills, or, in other words, we had three redrafts of the original bill. We finally adopted this last redraft which we thought would suit anyone.

In the redraft which you have all seen, I think you will all agree with me that we did not as a committee attempt in any way to use language that would be deceiving to anybody. We tried to use simple language so that everybody would understand it, and we reported it out "Ought to pass", not with any intent of driving it down the throats of any of the members of this Legislature. I hope that impression of Mr. Brown's will now be clarified. We tried to do an honest job and we reported the bill out for your consideration.

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

Mr. ROLLINS: Mr. Speaker, there seems to be, as the gentlewoman

from Bangor (Miss Clough) says, two schools of thought. It is very evident which way those schools of thought are moving. The gentleman from Clifton, Mr. Williams, spoke very highly of the feeling that would prevail among the boys that are called into service. I can tell him from experience that that will all wash over when this thing is over. I went into the army at the big sum of fifty cents a day while people in industry were still getting big money. The man who took my place got \$150 a month and I got fifty cents a day. I can assure you they will get over that in the future.

The gentleman from Portland, Mr. McGlauffin, was very emphatic about killing the order which the gentleman from Weston, Mr. Eubar presented and which would hurt those salaries above thirty-five dollars a week. There was nothing done about the little fellow down below.

The gentleman from Rockland, Mr. Jones, as I remember, wanted to tax the wages of these people. In fact, the great majority of the proponents of this bill voted "Yes" on the cigarette tax. Who smokes them? That little poor man, the husband of that woman who works in the shirt factory, the woman who wants to work some more in order to put a potato in an sandwich! Perhaps when he pays a tax on cigarettes they won't even have the potato, but will just have the bread.

I am proud of the fact I voted against the cigarette tax.

The gentleman from Clifton, Mr. Williams, speaks about the wonderful organization that the union has built up. I happen to know something about that. That is the result of thirty-five years of ceaseless effort. If I am correct, last year, after thirty-five years, they finally got one week's vacation with pay. I believe in the passage of this bill we are taking a backward step. I trust the motion of the gentleman from Bucksport, Mr. Pierce, prevails.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of this House: The other night over on the wall we saw a sign that said: "This Legislature is unfair to disorganized labor." Now if we change that word to "unorganized" you have got the picture

of this entire group. I am not speaking for organized labor, because organized labor can take care of themselves; but the people who are not organized are the ones who are going to be told to work or get out, and they have got to take it.

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

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

Mr. MILLS: Mr. Speaker, I want to reply to the gentleman from Rockland, Mr. Jones and the gentleman from Clifton, Mr. Williams. It seems that the gentleman from Clifton, Mr. Williams, has tried to make this attack upon labor. I do not think that is in issue at all. I do not think national defense is in issue at all. As the gentleman from Rockland, Mr. Jones, pointed out, he is appealing to the farmers of Aroostook to come to the defense of the dirty underwear of Rockland. (Laughter)

I think we have got to think, as Mr. Brown suggested, not of organized labor, which has full power in its collective bargaining with employers to get these rights, but we have got to think of these women who are working in laundries and restaurants and who are on an unequal basis in regard to bargaining.

The gentlewoman from Bath, Miss Deering, mentioned the fact that there have not been prosecutions. I know of one in this city that did a great deal of good. A restaurant was opened in this city some years ago and the working hours were much longer than fifty-four, and it came to the attention of certain authorities. A brother of one of the waitresses called to take her home at two o'clock in the morning and she was unable to go because her employer would not let her go, as there was some work to be done, and at that time she had worked far in excess of a nine-hour day or a fifty-four hour week. The man was hauled into court and prosecuted, and I can tell you it had a beneficial effect throughout the State. Word of that got around, and some of the restaurants as well as the laundries that had been oppressing the waitresses and other workers paid more attention to the law. So there have been prosecu-

tions under the law and people have been penalized.

I hope we will heed the warning of the gentleman from Brunswick, Mr. Brown, and protect the workers who do not have organization and who are at the mercy of some of those who oppress laboring women.

The SPEAKER: The question before the House is on the motion of the gentleman from Bucksport, Mr. Pierce, that the bill be indefinitely postponed. The gentleman from Brunswick, Mr. Brown, has requested that when the vote is taken 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: More than one-fifth of the members present having arisen, the yeas and nays are ordered.

The Chair would like to state that in view of the fact that a record is kept of a yeas and nays vote and printed in the Record, the Chair thinks that the members should not to any great extent attempt to keep the vote themselves, as doing so lends to some confusion and does no good. The Chair might add that it might involve additional printing of yeas and nays ballots.

The question before the House is on the motion of the gentleman from Bucksport, Mr. Pierce, that the bill be indefinitely postponed. All those in favor of the indefinite postponement of the bill will say "Yes" in answer to their names, and those opposed will say "No".

The Clerk will call the roll.

YEA—Babin, Belanger, Biddeford, Belanger, Winslow; Boutin, Boyd, Bradford, Brown, Brunswick; Brown, Corinna; Brown, Eagle Lake; Bubar, Buckley, Buker, Clapp, Conant, Cousins, Dean, Denny, Donahue, Doughty, Downs, Dwinall, Eddy, Farwell, Fenlason, Fickett, Flagg, Forhan, Gould, Milo; Hall, Hanold, Hinckley, Jacobs, Keller, Labbe, Lackee, LaFleur, Lane, Leveque, Libby, MacLeod, Martin, McFadden, McGillicuddy, McLellan, McGill, Mercier, Mills, Payson, Pelletier, Phair, Pierce, Porrell, Poulin, Preble, Rankin, Bridgton; Robinson, Rodrigue, Rollins, Roy, Savage, Seeger, Shesong, Sichel, Slosberg, Starrett,

Sylvia, Teel, Tozier, Wallace, Warren, Weston, Williams, Bethel; Worth, Wyman.

NAY—Anderson, Arzonico, Ayer, Bangs, Bernier, Bowers, Bragdon, Brewer, Briggs, Clough, Crockett, Cross, Davis, Buxton; Davis, Montville; Deering, Dorrance, Dorsey, Dow, Dutton, Fuller, Goldsmith, Good, Goodrich, Gould, Gorham; Grady, Grua, Hamilton, Harvey, Holman, Jones, Jordan, Leavitt, Littlefield, McGlauffin, McIntire, McKeen, McKusick, Michaud, Milliken, Murchie, Newcomb, Osgood, Otto, Patterson, Pearson, Pratt, Race, Rankin, Denmark; Richardson, Roberts, Robie, Sanderson, Sayward, Small, Smith, Thomaston; Walker, Welch, Chapman; Welch, North Berwick; Williams, Clifton; Winter.

ABSENT—Baker, Bolduc, Brown, Bangor; Estabrook, Gowell, Lambert, McNamara, Morrison, Robbins, Sleeper, Smith, Bangor; Southard, Stevens, Willey.

Yes 74, No 60, Absent 14.

The **SPEAKER**: Seventy-four having voted in the affirmative and sixty in the negative, the motion to indefinitely postpone is carried.

Thereupon, the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The gentleman from Brunswick, Mr. Brown, was granted unanimous consent to address the House:

Mr. BROWN: Mr. Speaker and Members of the House: I feel it my duty to now rise and apologize to anybody if I have injured their feelings, particularly the lady members of this House; I know in their hearts they feel that I have their interests at heart. In fact, I think I was the only member of the House to defend the ladies the other day on the search measure. I think they will accept my apologies and we will all be friends.

The **SPEAKER**: The Chair lays before the House the only tabled and unassigned matter, Bill "An Act Amending Certain Laws to Limit the Powers of the Council" (H. P. 99) (L. D. 64) tabled by the gentleman from Perham, Mr. Bragdon, on April 22nd, pending third reading; and the Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: The labor situation appears to have been fairly well handled, and now I rise in defense of that ancient and honorable body, the Executive Council.

I have always looked upon the Executive Council as a very useful branch of our State government. They were created, apparently, to be an advisory body to the Governor. I believe it is possible for them to know the needs of the citizens in their respective councillor districts and to take the wishes of their citizens to the Governor in a much more effective manner than those citizens could do themselves.

It seems to me that any Governor should welcome the advice and counsel of such a body.

The proponents of this bill tell me that it does not eliminate any of the necessary functions of the Council. I believe that is largely a matter of whether you believe in a concentration of power in our State government under one head or whether you believe in a division of that power, and whether or not you wish to make the Governor a free power when the Legislature is not in session.

Let us look at some of the provisions of the bill. In Section 2 on Page 2 it says:

"The heads of departments may employ such bureau chiefs, deputies, assistants and employees as may be necessary, with the approval of the governor * * *". It cuts out the words "and council". It seems to me that here we cut out the council power of approving to quite an extent.

Then we drop down to "Salaries": "The heads of the departments established by this act shall receive such compensation as shall be fixed by the governor"—again cutting out the council.

I am not going to mention all of these changes but I am going to touch on a few more.

Let us look on page 7 of this bill. Again we find: "The compensation of bureau chiefs shall be fixed by the commissioner with the approval of the governor." That applies to Health and Welfare.

Then, in section 5: "The director of each institutional head shall receive such compensation as shall be fixed by the commissioner, with the approval of the governor." The Council is again cut out.

Over on page 10, in regard to the duties of the State Police: "The chief shall be the executive head of the state police and shall execute the duties of his office under the direction and subject to the approval of the governor." Again we

cut out the Council. It appears to me that in most places where the words "Governor and Council" do appear, it strikes out "and Council".

I asked a member of the legal profession the other day, a man in whose opinion I have a good deal of confidence, just what powers this bill would leave to the Council, and his reply was to the effect "very few". He used much stronger words than that, however. I believe that this bill cuts out the power of the Council to the extent that it would be very logical for some member of the 91st Legislature, on discovering that the Council had no duties and no powers, to introduce a bill to eliminate that body altogether.

Now, Ladies and Gentlemen of this House, if this is what we desire, let us do it, and save the expense of maintaining the Council for the next two years.

I do not believe, however, that we wish to do this. I think that many of us feel that the Council is still a useful and necessary branch of our State government. I feel that there are a good many activities of the Council in this bill which might well be cut out. I do not, however, feel competent to offer any amendment to the bill. I believe those activities of the Council which are cut out would not require that they be here any great length of time, or perhaps many times during the year. The problem would not cause any greater additional expense.

For those reasons, Ladies and Gentlemen of the House, I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, I, too, oppose what this bill is set up to do.

I have spent considerable time contacting various individuals. I cannot see how much damage would be done to the Council, down to Section 2. But from there on, I will say to you that I believe that it does plenty.

I feel that in passing this Act you are destroying my contact through my Councillor with the executive heads of the departments. I believe our Council in the past has acted as a balance wheel.

I will point out to you the inconsistency in the argument of the gentleman from Portland, Mr. Payson, yesterday that if the Personnel

Law were passed, the Governor and Council would stand between the proposed increases recommended by the Personnel Board.

Under this bill, as I see it, the Council are deleted and it would be left entirely to the Governor and with the Personnel Board. I believe, also, it is nothing but a wedge to eventually do away with the Council. For this reason, I want to go along with the gentleman from Perham, Mr. Bragdon, in moving for the indefinite postponement of this bill.

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

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

Mr. HINCKLEY: Mr. Speaker, I do not believe that it is necessary to go over the arguments that have already been presented on this matter. They were covered very fully the other day by the gentleman from Portland, Mr. Payson. I think you have them fully in mind, so I do not intend to touch on them at any length whatever.

I want to say that the committee that had this matter in hand in the first place, spent a great many hours in going over the bill before it was finally presented to the Legislature. I also want to say that the committee certainly had no thought or intention of clipping the wings of the Council in any important or essential part. I certainly am a friend of the Council form of government, as we have it, and I do not want to see the Council in any manner interfered with as far as any important or essential function is concerned. But, if you will carefully look at this bill, I think you will be convinced that no essential or important function is taken away from the Council.

I know that the committee had in mind simply two purposes—they were to save money for the State of Maine, and to make a more workman-like system in our government.

Now, the duties of the Council have grown from time to time. We have simply passed laws here and said that they must have the approval of the Governor and Council on such and such matters.

It has simply grown up that way, because we had no other thought in mind. But this committee thought it would be just as well to take some of those things away from the Council, and thereby save money for the State of Maine. You realize that every time the Council is called into session, it costs \$20.00 a day and expenses for each one of them, and that is somewhat of a burden on the taxpayers.

If I thought that it were taking away anything important at all, I would not be in favor of this bill. As I have said before, we spent hours on it, and, when it was referred to the Judiciary Committee, there were members in that body who spent a long time going over that with a fine tooth comb, because I say to you, frankly, that there were members on that committee who were suspicious about that bill, and they wanted to be sure that nothing was being put over that committee or the members of this Legislature. I assure you that they did carefully consider it and finally gave it their unanimous approval.

Now, I think that should be considered, because I think you will agree with me that the members of that committee are not passing out things unanimously, unless they have some merit.

I cannot, for the life of me, see how anybody can have any objection to it, whatever. It has been before this body ever since we came into session, and you have had plenty of time to look it over. The reason for the several references to the statutes under the first section was the result of trying to save money.

As has been pointed out by the gentleman from Portland, if you try to amend the various sections of the statute, the same as we usually do, it would cover about twenty-five pages of written matter, and we did not think it was necessary. There are the sections before you. Everyone has had a chance to look them over. I can assure you that the members of the committee did that very thing. I cannot see any valid objection to the bill as it is. The only argument that I can see is that it is an entering wedge, and, as I said to you before, the members of the Code Committee and the members of the Judiciary Committee certainly did not have

that thing in mind. If they did, they would have opposed it. I hope the motion will not prevail.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: The time is fast approaching when I hope you will not have to listen to me any more. (Laughter). That will be not only a relief to you, but to me.

Under our system of government in this Legislature, it has been customary to have a committee appointed on various lines to hear a case—for and against—as presented to them, so that they could recommend to the Legislature whether a bill should be passed or whether it should be defeated.

It would be possible, of course, not to have any committees at all, and to let the Legislature go into a committee of the whole and discuss the merits of the thousands of bills that come up here, and decide for ourselves, right from the floor.

It has been considered reasonable to have the committee system, because presumably it would save time. In this particular House, committee reports do not seem to amount to much of anything.

Necessarily, when there are divided reports, that brings about discussion, and that is rightfully so. After you have a discussion, for and against a measure, you are then able to decide intelligently on which side you want to vote.

The Constitution of the State of Maine provides for a Council to the Governor. The original intention was that the members of the Council should be advisors to the Governor on matters that came up from time to time. It seemed wise that he should have somebody to consult to help advise him how to act.

But, as time has gone on, many, many Legislatures have added to the powers of the Council by saying, after various enactments, "subject to the approval of the Governor and Council." That has gone on until the Council has perhaps gone far beyond what was originally intended by the Constitution, and they have, at times, even usurped powers which they did not rightfully possess.

Under those circumstances, there has risen up in this State a great deal of criticism of the Governor's

Council. If I remember correctly, the Democratic party has long favored the abolition of the Council entirely.

At this very session of the Legislature, there was one bill introduced before the Judiciary Committee to abolish the Council entirely. There has been much criticism of the Council.

Now, that called forth, I think I am correct in stating, the attention of the Code Committee, that was appointed at the Special Session of the Legislature. They went into this matter very carefully, and finally they worked out this bill that we are discussing today.

This bill was introduced by the gentleman from Portland, Mr. Payson, after a great deal of careful study, not only on his part but on the part of his associates.

That came before the Judiciary Committee. I do not think that there was a very strong sentiment in favor of the bill at first, until we had carefully studied it. We went over that bill, step by step, as Brother Hinckley has stated. We tried to cut out what seemed superfluous, what seemed to be unnecessary, and we changed that bill as it was originally presented in a number of important particulars.

That bill finally came out with the unanimous report of the Judiciary Committee. Here was no divided report—it was unanimous. I do not have to tell you that the ten members of the Judiciary Committee are among the ablest members of the House and the body at the end of the hall.

When that committee agrees, it is worth taking note of, because we disagree many times.

Now, I want to say, further, that the gentlemen who oppose this bill and who ask for indefinite postponement, if they would give one-half of the study to the bill that every member of that Judiciary Committee has given, they might know what they are talking about, instead of getting up here and moving to indefinitely postpone a matter which, they frankly admit, they do not know much about.

This measure is a good measure. It should have a passage. There has been no argument presented here yet, and I venture to say there will not be any, why this measure should not pass, and there is strong argument for its passage. There is the reason that it takes away from

the Council those useless duties that they now have to perform. There is the reason that the bill has been carefully considered and unanimously adopted. I want to say to you that you are saving needless cost in relying upon the unanimous judgment of the Judiciary Committee that this bill should have a passage.

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

Mr. DUTTON: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted, and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Less than one-third having arisen, the Chair does not entertain the motion for the previous question.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, I would, at this time, like to see if my information is correct.

Even though a unanimous report came out of the committee two members did not sign the majority report, because they felt that they had signed so many, it did not look too good. So that, I do know that on this committee every one did not favor the unanimous report.

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

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

Mr. CONANT: Mr. Speaker and Fellow Members of the House: I think the reasoning that is involved in this bill has been covered pretty thoroughly by the proponents and the opponents of this measure.

I desire to bring to the attention of the Members of this House simply this one proposition:

During the interval of the last several weeks, we have acted upon many reports which have come out of the Judiciary Committee. Many

of them have been split reports. I have noticed that, in view of the fact that there have been many bills come out of that committee which would, in one sense or another, change the status quo a good deal, in almost every one of those measures, there has been a split report.

There have been at least two members of that committee who apparently have accepted, along with their excellent reasoning, a motto something like this: "This Legislature, in her intercourse in all matters, may she always be right, but our Constitution, right or wrong."

Now, we have had discussed before this House various measures, as I said before, which would change the present set-up of our State government, concerning the matter of the Attorney General, concerning the additional powers of the Governor, and other situations which do mean changes. But the startling thing here about this report is that these ten outstanding men—these nine outstanding men and one outstanding lady—have come to the conclusion that not one iota of important substance matter is being changed under the terms of this bill. Even though it were not the result of my own study of the measure, even though I had not gone over the bill, I would feel sure that when we get a unanimous report out of that committee, it had a lot of importance and we could really go along with it.

I hope that the motion of the gentleman from Perham, Mr. Bragdon, does not prevail.

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

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen: I do not think it is fair that the gentleman from Portland, Mr. McGlauffin, should accuse the gentleman from Perham, Mr. Bragdon, of going into a matter of which he knew nothing.

I believe there are many Members of this Legislature who perhaps like myself have not had time to investigate and really find out what this matter really means. If it may in the end lead to the possible elimination of the Council, I think we are approaching a very dangerous situation.

I think in the beginning that this idea started under the inspiration

and in the wave of hysteria for investigation last summer. If it had not been for that investigation and hysteria situation there probably would be no such act. I do not care what you do, but I say, "Let us not go off half-cocked and change a situation for which we may be really sorry." As I say, if it should lead to the elimination of the Council it would be a very dangerous thing, because I can see a situation that might present itself. Supposing, for instance, two members of the Highway Commission, which consists of three members now, got their heads together and decided they would spend the Highway money in one certain spot, you surely need a Council to regulate situations of that kind. In spite of what some of these big boys have said, I am inclined to go along with the gentleman from Perham, Mr. Bragdon.

The SPEAKER: The question before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed. The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker and Members of the House: I will admit this is sort of an innocent looking little paper. They say it does not mean anything, but it does make some fifty-eight changes in our present statute by eliminating the word "council". I also find that in seven places it strikes out the word "governor".

I think when you start out making sixty odd changes in our statutes there is quite a lot to it.

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

Mr. PAYSON: Mr. Speaker, I ask that by unanimous consent the Clerk be authorized to forward after the House recesses this morning all papers acted upon this morning to the Senate and that the right of reconsideration be lost unless the Clerk is notified of intent to make such motion within one hour of the time the House recesses.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks unanimous consent that the Clerk be authorized to forward, after the House recesses this morning, all papers acted upon this morning to the Senate, and that the right of reconsideration be lost unless the

Clerk is notified of intent to make such motion within one hour of the time the House recesses. Is there objection?

The Chair hears objection and unanimous consent is not granted.

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

Mr. PAYSON: Mr. Speaker, I think that this bill is going to require considerable more debate than it has now had. I know the machinery of the Legislature is being tied up by our failure to recess this morning. I move that the House recess until 4:30 this afternoon.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until 4:30 o'clock this afternoon.

(Cries of "No, No")

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until 4:30 o'clock this afternoon. All those in favor of the motion of the gentleman from Portland, Mr. Payson, will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Seventy-two having voted in the affirmative and thirty-six in the negative, the motion prevailed and the House so recessed.

After Recess—4:30 P. M.

Called to order by the Speaker.

The SPEAKER: The matter under consideration at the time of the recessing of the House was Bill "An Act Amending Certain Laws to Limit the Powers of the Council." (H. P. 99) (L. D. 64). The question under consideration was the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed.

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

Mr. PAYSON: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. PAYSON: Mr. Speaker, I wish to apologize to this House for the sheer stupidity with which I presented the unanimous request motion this noon. I do not wonder the

House objected to it. The motion is purely a formal one which would allow your papers to go forthwith to the Senate at the recess. The result of the loss of that motion is that the papers that the House handled this forenoon still have to be retained in the possession of the Clerk and have not gone to the Senate and cannot go to the Senate until the adjournment of the House tonight. But please understand I do not blame the House in the least for their action. It was purely and simply my failure to tell you the whole story so you would understand what I was doing.

And may I say further with relation to this recessing time: I asked that the House take a recess at approximately one o'clock on information that papers would not be ready and available on which the House could act until 4:30. Please understand that on these purely formal motions to recess and adjourn I am working in conjunction with your Speaker and with your Clerk and with the office force of the Senate as to the time that we can work and do the things that we are here to do. I do not like to take a three or four hour recess any better than you do, but if the printers have not got the papers there is no sense in coming back at two o'clock and waiting until four-thirty, because you cannot accomplish a thing. But I do want to apologize to the House for my stupidity in the original case.

The SPEAKER: The matter under consideration is, Bill "An Act Amending Certain Laws to Limit the Powers of the Council." (H. P. 99) (L. D. 64). The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed.

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

Mr. GRUA: Mr. Speaker and Members of the House: As one of the signers of the majority report, in fact the unanimous report of this committee on this particular piece of legislation, I feel that I ought to give you my reasons for signing that report and favoring this particular measure.

I was also fortunate or unfortunate enough to be on the Recess Code Committee when this matter was gone into rather thoroughly. We came to the conclusion that

there were a great many activities which the Council had to do with that in our opinion seemed to be purely administrative and in which the joining of the Council was of no particular value, and with that thought in mind we went through the various items on the statute books which required the consent of the Council, our thought being simply and solely to save expense to the State of Maine.

We realized that every time the Council was called over here it cost us twenty dollars for each Councilor besides his expenses. We realized that that was an expensive procedure. It seemed to us that if we could cut out some of these Council meetings, it would be a desirable thing to do because it would save the State money.

Now I assure you that there was not a single member of that Code Committee or a single member of the Judiciary Committee, so far as I know, that favored the abolishment of the Council. We talked it over and we all agreed that they served a very useful purpose. In fact, as you know, we had before the Committee on Judiciary a bill to abolish the Executive Council which had a unanimous "Ought not to pass" report returned to the House.

Now I am sorry that there has been injected into this discussion of this particular measure this suggestion that this is in any manner whatever an entering wedge for the abolishment of the Council. I can assure you that is not the truth, that there is no thought on the part of the proponents or any of us of any such result.

The matter is just as simple as this: Will this particular measure save the State of Maine money and at the same time not injure the workings of the departments of State? Now, if that is true, why not save that money?

We feel that this would save money. We went into the thing very carefully. I am frank to say that the way this bill was drawn it was rather unfortunate, in my opinion. I think some description should have gone along explaining what these items are.

The Committee on Judiciary were skeptical; they took it up item by item, looking up each one in the Revised Statutes, discussing it thoroughly. My memory is that we

spent most of two afternoon sessions on this particular bill. The committee were of the unanimous opinion that this would save the State of Maine money and that it was desirable legislation.

Remember, the Council still are on the job, they still have to approve of major appointments. There are numerous other things in which the Council is left in full charge of all their duties. These are just incidental matters, like approving a bond or approving a general set-up, or some little minor detail that really ought not to go even to the Governor. We have left the Governor in, but many of these should be attended to by the department head without referring them to anybody.

Now there are two other things that entered into my decision. I feel that a great many of the councilors would welcome the relief that they could get if they were not liable to be importuned by some of the people that had supported them for these minor jobs that somehow or other the people think a councilor has the right to give. If the councilor can say "I have nothing to say about these minor appointments; you will have to see the Personnel Board or the Governor about those", he can avoid the pressure that is brought to bear on him oftentimes to help some member of the party who wants to be preferred over somebody else. I think the members of the Council, most of them anyway, would welcome this relief by being taken out of approving these minor appointments.

I know that pressure is brought to bear on members of the Council to get some minor person, some minor official an increase in pay or some particular job that they want.

I heard it stated openly in one committee hearing by a certain member of this Legislature, telling about their inability to get a pay increase and that they went right over their heads to the councilor of that district and that councilor got them what they wanted.

Now I submit to you that is not our idea of good government.

I know there are certain Councilors that are lobbying against this particular measure because they still want their fingers on some of these minor appointments. I tell you frankly, I do not think that is good business. I do not think be-

cause a person has been appointed to a position on the Council that should give him any particular graft with which he can pay off old political debts. I think our job is to see that we get the best men possibly for the positions they are to fill. I believe it is the Governor's position to appoint, and I believe on these minor positions the fellow should be appointed on the basis of merit and on the basis of merit only.

Now there is only one other thing I want to say, because I do not want to take up your time. One of the speakers, I do not recall which one, suggested he could not support this measure because he had not had time to study the bill thoroughly. Now I submit to you that there are something over a thousand bills in this Legislature. None of us can study a bill thoroughly. It was my understanding that was why we had committees, so that we could entrust the study of these various bills to the appropriate committee and that committee could come back and give us their honest opinion, and when that committee did give us their honest opinion, ordinarily we would go along with the committee, unless there was something came up after the committee hearing that should change our views on that particular measure.

Now if there is any bill that has had a pretty thorough going over it is this particular bill, because it went through the Code Committee and then it went through the Judiciary Committee, and now it is before you and has been thoroughly discussed.

I have voted for a great many measures here on highways and on motor vehicles and on other things where I have had to take the opinion of the committee as to the desirability of that particular piece of legislation. I believe that the committee should receive the backing of this Legislature when they have labored hard on a bill, unless, as I say, something has come up since the committee hearing to entirely change the aspect of the matter. And I can assure you, so far as I know, every member of this committee that reported "Ought to pass" on this bill is earnestly desirous of effecting savings and still maintaining the highest grade of efficiency for the State of Maine. I am sorry if there is any suggestion of any-

thing otherwise, because I know it is absolutely unfounded.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to speak again on this bill, as I spoke this morning; but I would like the privilege of asking a question of the gentleman from Livermore Falls, Mr. Grua, through the Chair. I would like to ask the gentleman from Livermore Falls if he feels that this matter of approving general salary increases in our various departments is a matter which should not justly come before the Executive Council?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, asks a question through the Chair of the gentleman from Livermore Falls, Mr. Grua. The gentleman from Livermore Falls may reply or not as he chooses.

Mr. GRUA: Mr. Speaker and Members of the House: The salary ranges are set up by the Personnel Board. These salary ranges are then presented as a whole to the Governor and Council, as I understand it. The Governor and Council without referring to any particular person approves the salary range that is set up for the various classifications of workers. Once that salary range has been established, then whether a junior clerk shall be advanced from twenty dollars a week — say the minimum, because the salary range runs from twenty dollars to twenty-six dollars — whether that junior clerk shall be advanced to twenty-two dollars a week seems to me is entirely to be done on the recommendation of the head of the department. The head of the department recommends that salary raise, the Personnel Board looks the case over. If it is satisfied it is okay, they pass it on to the Governor under this bill for his approval. The council ought not to enter into that minor detail of whether that particular clerk should get a salary increase. That is absolutely administrative.

A few hours ago we were about to vote on a bill leaving it entirely to the head of the department to say whether that increase should be granted. You will recall that I then argued that we do need the power to pass on the judgment of that particular administrative official as

to whether he was acting properly or improperly in that particular case.

Now that is the way salary increases are granted, and I think that is ample protection for the State of Maine. For instance, some of you have seen a list that has circulated about the House showing certain salary increases in the Highway Department. Let me tell you about that. They have been working on that particular list of increases for something like a year. Those increases, every one of them, I am assured by the head of the Personnel Department, were set up by the Highway Department officials themselves, and the Personnel Board approved them without changing a single one. That shows you that the increases are given as a result of the recommendation of the heads of departments, and I think that is as it should be. I do not think the council members should enter into this matter at all after the scale of wages for that particular classification is once set up.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Gould.

Mr. GOULD: Mr. Speaker and Members of the House: I believe that should this measure be enacted into law and should we by chance choose an unscrupulous Governor in this State, I believe he could destroy this State financially.

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

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: Please understand that what I have to say here is said absolutely without any prejudice. One member of this committee has told me within an hour he was sorry he ever signed such a bill; and while I believe that what the gentleman from Livermore Falls, Mr. Grua, says is more or less absolutely true, I cannot help but believe that this thing does aim in the end in the direction of the abolishment of the Governor's Council.

Now I am quite willing, as are we all, to accept the ability of the gentleman from Portland, but you will have to agree with me we did have today before the noon recess an exhibition of some pretty fast stuff being pulled. I have tried to play fair and take my licking, and

I have always come up smiling. I have been kicked in the pants a good many times and I always come up smiling. But I believe we did have, just before the noon recess, one of the finest examples of political juggling ever gotten away with before this Legislature—

Mr. MILLS of Farmington: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman from Farmington, Mr. Mills, rises to a point of order. The gentleman may state his point.

Mr. MILLS: Mr. Speaker, I think the gentleman's remarks are entirely irrelevant and uncalled for, regarding the procedure in the House prior to recess.

The SPEAKER: The Chair will rule that the point is well taken.

The Chair at this time would like to suggest to the members that according to Reed's Rules "The purpose of debate is to produce unity of sentiment in the assembly by such a comparison of views as will enable a majority to form a just judgment on the subject before them for action. As the interchange of views in debate necessarily involves criticism of the views presented, and as criticism of views is liable to pass into criticism of the author, a debate may degenerate into a dispute, and the object of debate be entirely lost sight of. To avoid this, and to render discussion an appeal to reason and sentiment, and not an appeal to personal passions, there are many parliamentary devices. . . . Members must not use harsh expressions about other members, must not impute motives, but must always attack arguments and not the men who make them."

The gentleman may proceed.

Mr. MURCHIE: I am sorry, Mr. Speaker and Ladies and Gentlemen. It appeared to me to be a case where a group knew that they were licked and were taking wrong advantage of an opportunity to get adjournment. I will humbly apologize if I have broken any rule of this Legislature, but my thought was this bill ought not to receive passage, and, because of the eloquent plea of the gentleman from Livermore Falls, Mr. Grua, I thought I ought to do something to offset it. I humbly apologize.

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

Mr. SMITH: Mr. Speaker, I think I thoroughly agree with the gentleman from Gorham, Mr. Gould that this bill might create dynamite some day. I think that we ought to leave well enough alone.

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

Mr. PAYSON: Mr. Speaker, I will confine my remarks entirely to the merits of the bill.

The question was raised this forenoon as to what would happen if two bad men got onto the Highway Commission, and decided to go into cahoots and spend the Highway money in front of their houses, or in places where it would do the most political good.

A careful reading of the Highway Commission bill, which has passed this House, would make it plain to even a feeble intellect that if two members of the Commission agree, and the third member does not agree, that he has an appeal to the Governor. That ought to dispose of that argument.

Now, there is one argument which I know appeals to this House and I know why it appeals, and I have sympathy for that. There is considerable dissatisfaction with the Personnel Board and with the raises that they have put through, and I can understand that, I think. I feel that the raises were probably justified but the action was taken in such a way that it did not work out any too well.

If you take the time to go back and read the report of the Investigating Committee of the 89th Legislature, I think you will have your eyes opened somewhat as to what can be done when the Council has charge of picking and raising the salaries of clerks and minor officials.

You talk about economy and saving money, and the danger of the Personnel Board granting increases.

The danger of the Personnel Board granting increases is very, very minor, compared with the danger that can grow up, and has grown up, and has been the practice in past Councils, in log-rolling for appointments and increases.

In my district—if I could get together with the Councillors of other districts—we would agree on increases granted employees from our sections, and fix them up and put it through. That is one reason for putting this measure through, and

protecting ourselves from the danger of unwarranted granting of increases.

The Legislature has another check on unwarranted increases in salaries—that is through their appropriations.

If a department has not money enough to perform the services, and grant increases, it will perform the services, because that is how the department head holds his job.

As to the danger to the State, if a bad man should become Governor, I refer you again to the bill that is before you. A Governor appoints the Judiciary officers and the department heads, with the approval of the Council. The Council is still in the picture and in control of the situation. No department head can be put in without the approval of the Council.

It seems to me that the bill has safeguarded the interests of the people in every way possible, while still trying to relieve the Council from onerous or unnecessary duties.

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

The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I deeply regret that I find it necessary for me, at this time, to differ on this proposition with my esteemed colleague, the gentleman from Portland (Mr. Payson).

I have assumed always, in what little legislative experience that I have had, that the Legislature as a body, as a rule, followed the leadership of the Floor Leader. I think that is perfectly right and perfectly proper.

I am assuming, however, on this proposition, that the gentleman from Portland (Mr. Payson) is speaking more as a member of the Legislature, with his duties in mind, rather, perhaps, than as a Floor Leader.

I am surprised that other legislators have been so remiss in their duties and somehow lacking in wisdom. I hope that none of this happened at any time when I was a member of the Legislature.

I believe I am correctly informed that every one of these duties have been thrust upon the Council, not from their own will, or on their own invitation but rather by some enact-

ment of the legislative body. I think we should bear that in mind.

I am surprised that there is such a number that are of any importance apparently, because, if I am correct, I note that there are only sixty-one duties, according to the bill, which we consider are absolutely unnecessary and otherwise be taken care of. In my own mind, it presents this thought: We are taking away certain duties, from a certain body of men, where they have, it seems to me, very successfully reposed for quite a number of years. We are taking those duties away from one body of men and imposing those duties upon another body of men. Have we any assurance that this body to whom we are giving these powers, is any better qualified to discharge those duties than is the body from which we are taking them?

I am not at all impressed with the idea that we are going to save a lot of money, and I do not believe that you members of the House so believe. With that thought in mind, it seems to me that we should hesitate, and proceed very carefully, before we tear down this system under which we have rather successfully operated and build up another system, which I do not think many of us have too much faith in, to say the least. I thank you.

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

Mr. MCGLAUFLIN: Mr. Speaker, may I ask the gentleman from Portland, (Mr. Payson), a question through the Chair?

Mr. Downs has stated that there were some sixty-one changes.

I ask the gentleman from Portland, Mr. Payson, if he will tell us how the powers of the Council that are provided by the law are left? My recollection is that there are more than two hundred in all.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks a question through the Chair of the gentleman from Portland, Mr. Payson. The gentleman from Portland, Mr. Payson, may reply or not, as he chooses.

Mr. PAYSON: Mr. Speaker, it is my recollection that there were over two hundred constitutional and statutory duties imposed on the Council. I have not counted them recently.

On the list that I have before me, of the duties that are cut out of the Council—and these are in condensed form but I think it may be useful for the purposes of comparison—there are two and one-half pages—and on the duties of the Council under the constitution and under the statutes, which I have here in condensed form, there are nineteen pages, which may give you some idea of how slight that is.

The SPEAKER: The question before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed. All those in favor of the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed will say aye; those opposed no.

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

Seventy-seven having voted in the affirmative and forty-six in the negative, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

The Chair will state that there is on the desk of the members a printed Advance Calendar of these matters.

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 for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 1517) (L. D. 858) reporting that they are unable to agree.

(Signed)

Messrs. FARRIS of Kennebec

HARVEY of York

BRIDGES of Washington

—Committee on part of Senate.

BRIGGS of Hampden

SLEEPER of Rockland

GOLDSMITH of Orono

—Committee on part of House.

Came from the Senate, read and accepted.

In the House:

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

Mr. SLEEPER: Mr. Speaker and Members of the House, the three members of the Committee on the part of the House met with the three collection lawyers from the other body (laughter) and, regardless of the attitude of the House, we were unable to impress upon them that the consensus of opinion seems to be in this State that such a bill ought to be made a law, so I now move you, Mr. Speaker, that the report of the committee be accepted.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House accept the report of the Conference Committee. Is this the pleasure of the House?

The motion prevailed, and the report was accepted in concurrence.

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 relating to the Safety on Highways" (H. P. 1892) (L. D. 1107) reporting that it is unable to agree.

(Signed)

Messrs. ELLIOT of Knox
LIBBY of Cumberland
HASKELL of Penobscot
—Committee on part of Senate.
WELCH of Chapman
WILLIAMS of Bethel
BRAGDON of Perham
—Committee on part of House.
Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

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 relating to the Duties of Superintending School Committees" (S. P. 331) (L. D. 825) reporting that they are unable to agree.

(Signed)

Messrs. STILPHEN of Lincoln
DOW of Oxford
ELLIOT of Knox
—Committee on part of Senate.
DOWNS of Rome
FICKETT of Naples
Miss DEERING of Bath
—Committee on part of House.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

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 Better Government for the town of Bar Harbor" (H. P. 645) (L. D. 281) reporting that the Senate recede on its action whereby it passed the bill to be engrossed as amended by Senate Amendment "A," indefinitely postpone Senate Amendment "A" and concur with the House in passing the bill to be engrossed without amendment.

(Signed)

Messrs. EMERY of Hancock
BRIDGES of Washington
DOW of Franklin
—Committee on part of Senate.
MORRISON of Winter Harbor
GOWELL of So. Portland
DOW of Falmouth

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

Report was read and accepted in concurrence.

Senate Reports

From the Senate:

Report of the Committee on Legal Affairs on Bill "An Act to Provide a Police Commission for the City of Biddeford" (S. P. 197) (L. D. 288) reporting leave to withdraw.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Final Report

From the Senate:

Final Report of the Committee on Public Health.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass

From the Senate:

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the Parole Board" (S. P. 372) (L. D. 688)

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

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

Senate Divided Reports

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Administration of State Institutions" (S. P. 246) (L. D. 403) reporting same in a new draft (S. P. 565) (L. D. 1167) under same title and that it "Ought to pass."

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
HARVEY of York
—of the Senate.
McGLAUFN of Portland
HINCKLEY of So. Portland
WILLIAMS of Bethel
—of the House.

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

Report was signed by the following members:

Messrs. GRUA of Livermore Falls
PAYSON of Portland
BRIGGS of Hampden
MILLS of Farmington
—of the House.

Came from the Senate with the Majority Report accepted and the new draft passed to be engrossed.

In the House:

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

Mr. PAYSON: Mr. Speaker, I move the acceptance of the minority report, "Ought not to pass," and all that I need to say in explanation is that this is another bill concerning the institutional service, and inasmuch as this House has adopted the other bill, the one that came in here first, this bill, of course, should not be passed by this House, in view of their former action on the other bill.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House accept the minority "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the minority report, "Ought not to pass",

was accepted in non-concurrence and sent up for concurrence.

Non-concurrent Matter

From the Senate:

Bill "An Act Amending the Gasoline Tax Act" (H. P. 1239) (L. D. 500) which was passed to be engrossed in the House on April 21st as amended by House Amendment "A."

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

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that the House recede from its action whereby it passed this bill to be engrossed on April 21st, and concur with the Senate in the passage of the bill to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto.

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

Senate Amendment "A" to House Amendment "A" to H. P. 1239, L. D. 500, Bill, "An Act Amending the Gasoline Tax Act."

Amend said amendment by inserting the deleted words "within the state" in the 32nd and 33rd lines of the 3rd paragraph thereof.

Thereupon, on motion by Mr. Richardson, the House voted to recede from its action whereby it passed this bill to be engrossed as amended by House Amendment "A" and to further recede from its action whereby it adopted House Amendment "A."

The House then concurred with the Senate in the adoption of Senate Amendment "A" to House Amendment "A."

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

House Committee Reports

(Out of Order)

Divided Reports

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Provide for the Appointment of a Board of

Commissioners of Fire Department of the City of Gardiner" (H. P. 1585) (L. D. 919)

Report was signed by the following members:

Messrs. SANBORN of Cumberland
MORSE of Waldo
DOW of Oxford
—of the Senate.
SLOSBERG of Gardiner
DONAHUE of Biddeford
DWINAL of Camden
—of the House.

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

Report was signed by the following members:

Messrs. LAFLEUR of Portland
SOUTHARD of Augusta
SYLVIA of Danforth
SHESONG of Portland
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Slosberg.

Mr. SLOSBERG: Mr. Speaker, I move the acceptance of the majority "Ought to pass" report.

The SPEAKER: The gentleman from Gardiner, Mr. Slosberg, moves that the House accept the majority "Ought to pass" report. The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker, there are before this House four pension bills reported out by the Committee on Legal Affairs, all divided reports, and all being subject to the same arguments pro and con. You may therefore, if you will, remember anything I may say about this bill when you vote on any of the other bills.

I have felt that all of these bills should not receive a passage for two major reasons. The first is this: We have just passed a State pension bill which allows towns and counties to participate in it according to the standards set up in that bill. The standards set up in that bill are sound insurance standards. They are standards which are set up with an eye to having a pensioner contribute a substantial portion of his pension with the idea of setting up a reserve for pensions at not too great cost to the city or the State. Any of these pension bills may be cared for by taking action under this State pension bill. I therefore feel that there is no need for these several pension bills and

no reason why they should be passed.

The second reason I feel none of these bills should have a passage is this: I do not think they are justified by the cost involved. The people who vote on these bills—and I think there is a referendum on all—do not know what they are voting on, they do not know how much they are spending when they vote for a pension bill. I speak particularly of the Auburn firemen's pension bill, because I happen to have some figures handy on that. At the hearing on that bill the proponents did not have much of an idea how much it would cost them to put this pension system into effect. I worked out a few figures of my own.

I assume that all of these bills give a pension of one-half pay which the pensioner receives when he retires. In my figures I assume that the pensioner will receive the same pay all through his twenty-five years of service. I further assume that his contributions—in this Gardiner bill there is no contribution at all—but I assumed the contribution the pensioner paid into the pension fund would be invested at four percent and compounded annually. I think that allowance is large. I assumed that where there was a disability clause that would mean where there was no disability, that the contributions would be smaller and the pensions paid would be larger. I assumed there is no pension to be paid to widows. I assumed also that the average expectation of mortality among these pensioners will be realized, and I think that is a conservative estimate for two reasons: First, the tables of mortality we have are based upon rather ancient experience, and today medical science practically increases that expectation of life; and, second, in the smaller group of pensions such as we are now dealing with, they may live a great many more years than the average expectance.

I will give you my figures. For the purpose of illustration, I am using the Auburn firemen's pension bill. The Auburn fire department now has twenty-three men whose pay is \$1500 a year. One of them is fifty-seven years old now. For three years he will pay his two per cent contribution into the pension retirement system, and that, with compounded interest, would

be about \$97. He is then retired. Under our mortality tables he has an expectation of life of eleven and one-tenth years. In eleven and one-tenth years the City of Auburn will pay him \$750 a year, a total of \$8,325. Although he has contributed \$97, the City of Auburn contributes \$8,228.

Now let me take the mortality average for an example. You take a pensioner who must serve the full twenty-five years to get his pension. In twenty-five years he pays in his two per cent per year, and his contribution is invested at interest at four per cent compounded annually. His total contribution in twenty-five years will amount to \$1300. He also, under the mortality table, may accept a total pension payment of \$8,325. Of that the City of Auburn must contribute \$7,025.

Now I ask you if the people of Auburn will have the slightest idea, when they vote for a firemen's pension bill, that they are appropriating \$175,000? I do not think it is sound. I do not think the benefits of the pension system justify the expenditure of \$175,000 for the twenty-three firemen that Auburn now has.

Now as far as Gardiner is concerned, when the inhabitants of Gardiner vote to adopt a fire commission do they think they are voting for the pension? I do not think so. We had the same thing in Augusta. We voted for a police commission, and nobody knew there was a pension system in the Augusta police bill. The other thing is that the Gardiner bill is non-contributory. They do not contribute anything. They get a pension at the end of twenty years service if they reach the age of sixty. The City of Gardiner pays the whole of that. That is not too tough for Gardiner, because there happen to be only two firemen eligible and they have twenty-five years to go. In twenty-five years they may not have to pay any pensions, but they are setting up a law for twenty-five years from hence.

Now for those reasons, because I think the situation is already taken care of, and because I think it involves an enormous expense which is not justified by the benefits to be received by the people of these cities, and for the further reason that if it goes to a referendum the

people will not know what they are voting for, I hope the motion of the gentleman from Gardiner (Mr. Slosberg) will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Slosberg.

Mr. SLOSBERG: Mr. Speaker and Members of the House: If this House should see fit to agree with the gentleman from Augusta, Mr. Southard, that all of these pension bills should be thrown out of the window, and have every city and town come in under our so-called "State Contributory Pension Plan," I have no objection.

However, if not, I feel that we should be consistent, and, in fact, pass all of these bills.

The gentleman from Augusta, Mr. Southard, has answered one of his objections to the Gardiner bill, when he stated that only two firemen were eligible, and they will be eligible twenty-five years from now.

In the second place, this particular bill, although it has a non-contributory feature, has this safeguard, and that is in Section 15. The City of Gardiner has the privilege of not setting up this pension plan, even after the people have voted on it, if they see fit; if the City Fathers feel that this is going to be an expensive proposition, twenty-five years from now. I, for one, am willing to let that matter rest in their hands.

I cannot, necessarily, agree with the gentleman from Augusta, Mr. Southard, on the question of referendum.

I, for one, am going to let a matter like this rest in the hands of the people. I feel that they are intelligent enough to vote as they see fit on a bill of this sort. I certainly feel, for one, that the citizens of Gardiner are as intelligent as the citizens of Augusta, who already have this bill.

One of the main reasons why I think I would like to see this bill pass is because it has a referendum to it.

There might be a great many people in the City of Gardiner who did not like this bill. I feel that this Legislature should not sit as Judges on a situation that concerns one particular town. I feel that the people of that particular town should have the right to decide their own particular problem for themselves, unless we go along with the

first suggestion made by the gentleman from Augusta, Mr. Southard, that all of these bills should be thrown out of the window, and that each city and town should be compelled to come under our Joint State Contributory Pension plan; and thereby eliminate these special bills from coming before the Legislature.

If the Legislature sees fit to do that, as I said before, I have no objection to it. I will be with them. But, if not, I say let these individual, particular city matters go to their own particular people who are affected by them.

These bills are not germane to the workings of the State of Maine but only to the people of a particular locality.

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

All those in favor of the motion of the gentleman from Gardiner, Mr. Slosberg, that the House accept the majority "Ought to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the majority "Ought to pass" report of the committee was accepted.

Thereupon, under suspension of the rules, the bill had its first two readings, and tomorrow was assigned for third reading of the bill.

Divided Reports

Majority Report of the Committee on Legal Affairs on Bill "An Act to Provide a Pension for Members of the Police Department of the city of Auburn" (H. P. 1169) (L. D. 468) reporting same in a new draft (H. P. 1931) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SANBORN of Cumberland
MORSE of Waldo
DOW of Oxford

—of the Senate.

SLOSBERG of Gardiner
DONAHUE of Biddeford
DWINAL of Camden

—of the House.

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

Report was signed by the following members:

Messrs. SOUTHARD of Augusta
SYLVIA of Danforth
SHESONG of Portland
LaFLEUR of Portland

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

Mr. CONANT: Mr. Speaker, I move the acceptance of the majority report "Ought to pass."

I think the real meet of this bill as well as the preceding bill has been covered already by the remarks of my colleague and Brother from Gardiner, Mr. Slosberg. However, there are a few matters I would like to bring to your attention.

I would like to bring to your attention this fact: That so far as both of these pension plans are concerned, one relates to the Police Department which is before us at the present time, and the second, which concerns the Fire Department, that these are not creatures of a few hours' or a few weeks' work.

Regardless of the remarks of my friend and Brother from Augusta, Mr. Southard, this is instead the creature of months of work.

This measure and similar ones have been discussed and have been worked upon in the City of Auburn for a long period of time.

I desire to point out this is a contributory plan, that the members of both departments shall contribute two percent of their wages to both of these respective funds, I desire to present to you also that the request is a proper and legitimate one.

I want to state that the City of Portland, the City of Bangor, the City of Westbrook, and Rumford already have pension plans in operation, and I desire to point out to you also that those are not contributory plans as this one is but are non-contributory plans.

I would simply like to outline to you, as long as the issue has been raised, something of the history of this particular bill.

This matter was presented before many taxpayers through petitions in the City of Auburn. You will find, in fact, a list of the petitions which list was entrusted to the Legal Affairs Committee, and you will find the names of the outstanding property owners and taxpayers of the City of Auburn.

This bill has the full and complete endorsement of the Mayor of

the City of Auburn and the City Council of the City of Auburn. The measure has been checked up on all of its features by the City Solicitor of the City of Auburn and two other attorneys besides myself, so this is not something which has not been given a great deal of thought.

At the hearing before the Legal Affairs Committee were a substantial number of Auburn citizens who believed that the City of Auburn should at long last have the opportunity to state whether or not they wanted a pension plan, this plan for the firemen and policemen of the City of Auburn.

Now, as has been pointed out by Mr. Slosberg, this bill as well as the rest, has a referendum. I would like to disagree with my Brother from Augusta, Mr. Southard, when he says this bill will not receive consideration by the taxpayers of the City of Auburn. If many of you have—and I know you have—checked over the files of the Lewiston newspapers, you will note that every item of this nature or any other item which will in any sense dip into the pockets of the taxpayers of the City of Auburn, will receive scrutiny. The reason this bill has been presented is because it is similar to many bills in operation in Massachusetts and other States, and it has received the consideration and unqualified support of these persons in the City of Auburn who are parties in interest to it.

I believe that this is a local matter. I assure you that if you will give the City of Auburn authority to put this matter to a referendum that this measure will receive every consideration. They are the persons that are going to pay the bill if this measure is enacted. They will have to decide whether they want it or not. For those reasons, I trust and hope the House will accept the majority report.

The SPEAKER: The gentleman from Auburn, Mr. Conant, moves that the House accept the majority report "Ought to pass." Is this the pleasure of the House?

The motion prevailed and the majority "Ought to pass" report of the committee was accepted.

The SPEAKER: The new draft will lie on the table for printing under the joint rules.

Divided Reports

Majority Report of the Committee on Legal Affairs on Bill "An Act to Provide for a Pension for Members of the Fire Department of the City of Auburn" (H. P. 1170) (L. D. 469) reporting same in a new draft (H. P. 1930) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SANBORN of Cumberland
MORSE of Waldo
DOW of Oxford
—of the Senate.
DWINAL of Camden
SLOSBERG of Gardiner
DONAHUE of Biddeford
—of the House.

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

Report was signed by the following members:

Messrs. SOUTHARD of Augusta
SYLVIA of Danforth
SHESONG of Portland
LaFLEUR of Portland
—of the House.

On motion by Mr. Conant, the majority report "Ought to pass" was accepted.

Divided Reports

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Provide a Pension for Members of the Police and Fire Departments of the City of Waterville" (H. P. 831) (L. D. 345)

Report was signed by the following members:

Messrs. SANBORN of Cumberland
MORSE of Waldo
—of the Senate.
LaFLEUR of Portland
SOUTHARD of Augusta
SYLVIA of Danforth
SHESONG of Portland
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. DOW of Oxford
—of the Senate.
SLOSBERG of Gardiner
DONAHUE of Biddeford
DWINAL of Camden
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Rodrigue.

Mr. RODRIGUE: Mr. Speaker, I do not think there is any argument necessary for a pension plan for any city or town. I will just ask this House to accept the minority report, "Ought to pass", and I will offer an amendment which has in it a referendum clause.

The SPEAKER: The gentleman from Waterville, Mr. Rodrigue, moves that the House accept the minority report "Ought to pass".

The motion prevailed and the minority report "Ought to pass" was accepted, and under suspension of the rules the bill was given its two readings and tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House a tabled and specially assigned matter for this afternoon, Bill "An Act Relating to Taxes Upon Wines and Spirits" (H. P. 1474) (L. D. 607) tabled earlier in today's session, pending passage to be engrossed.

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

Mr. PAYSON: Mr. Speaker, I offer House Amendment "C" and move its adoption. I wish to call your attention particularly to the fact that this is House Amendment "C" and not House Amendment "B" which has already been distributed. This provides for a mark-up of 61 per cent on liquor. The present tax on liquor is written in the statutes at \$2.20 a gallon, which works out in practice as about a 56 per cent mark-up. This mark-up, therefore, is an increase of about 5 per cent which it is estimated will produce around \$225,000. I believe it is all that the industry will stand. I think any further increase beyond this would create a loss of revenue

through bootlegging, but I believe the 5 per cent mark-up can be taken.

The SPEAKER: The gentleman from Portland, Mr. Payson, offers House Amendment "C" and moves its adoption.

House Amendment "C" to H. P. 1474, L. D. 607, Bill, "An Act Relating to Taxes upon Wines and Spirits."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

Sec. 1. Consumers tax on spirituous and vinous liquor. All spirits and wines as defined in section 4 of chapter 300 of the public laws of 1933 shall hereafter be sold by the State at a price to be determined by the Liquor Commission which will produce a State liquor tax of not less than 61% based on the less carload cost F. O. B. Augusta, Maine. Any increased federal taxes levied on or after April 1, 1941 shall be added to the established price without mark-up. All revenue derived from such tax shall be deposited to the credit of the general funds of the State.

Sec. 2. P. L., 1937, c. 245, repealed. Chapter 245 of the public laws of 1937, as amended, is hereby repealed.

Thereupon, House Amendment "C" was adopted, and the bill was passed to be engrossed as amended and sent up for concurrence.

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. Megill of Belgrade,
Adjourned until ten o'clock tomorrow morning.