

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Tuesday, March 4, 1941.

The Senate was called to order by the President.

Prayer by the Reverend L. L. Dunn of Gardiner.

Journal of Friday, February 28, 1941, read and approved.

From the House:

"Resolve Regulating Fishing in Saco and Mousam Rivers." (S. P. 238) (L. D. 396)

(In the Senate on February 26th, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate: Under suspension of the rules that Body voted to reconsider its former action whereby the resolve was passed to be engrossed, House Amendment "A" was read and adopted in concurrence, and the resolve as amended by House Amendment "A" was passed to be engrossed in concurrence.

House Committee Reports**Ought Not to Pass**

The Committee on Legal Affairs on Bill "An Act Authorizing the Mayor of Waterville to Appoint a Commission of Cemeteries," (H. P. 1175) (L. D. 474) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve Granting Bonus to Charles Story Crosman, of West Gardiner," (H. P. 94) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the Town of Sullivan," (H. P. 600) reported that the same ought to pass.

Ought to Pass in New Draft

The same Committee on "Resolve to Reimburse the Town of Blaine for Replacement of a Culvert," (H. P. 584) reported the same in a new draft (H. P. 1623) (L. D. 970) under the same title, and that it ought to pass.

The same Committee on "Resolve in Favor of Edward Doyle, of Fort Kent," (H. P. 93) reported the same

in a new draft (H. P. 1624) (L. D. 971) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of Mrs. Arlene Remick," (H. P. 328) reported the same in a new draft (H. P. 1625) (L. D. 972) under the same title and that it ought to pass.

Ought to Pass

The Committee on Salaries and Fees on Bill "An Act Relating to Salaries of Municipal Court of Bath," (H. P. 1203) (L. D. 421) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds in York County," (H. P. 1565) (L. D. 852) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once, and tomorrow assigned for second reading.

Ought to Pass as Amended

The Committee on Legal Affairs on Bill "An Act Relating to Investment of Farm Land Loan's Funds," (H. P. 408) (L. D. 162) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence, Committee Amendment "A" was read and adopted, and the bill as amended was read once and tomorrow assigned for second reading.

Communications

Augusta, Maine.

February 18, 1941.

Honorable Nathaniel Tompkins,
President of the Senate,
Augusta, Maine.

Dear Sir:—

I hereby tender my resignation as Senator from Penobscot County.

Very truly yours,

NORMAN E. WHITNEY

Which was read and the resignation accepted and ordered placed on file.

SUPREME JUDICIAL COURT

State of Maine

February 27, 1941.

Dear Mr. Brown:—

I respectfully transmit herewith to the Senate of the State of Maine the answers of the Justices of the Supreme Judicial Court to the Ques-

tions upon which advisory opinions were requested by Senate Order of February 14, 1941.

Very truly yours,
GUY H. STURGIS
 Chief Justice
 Supreme Judicial Court.

To the Honorable Senate
 of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the questions upon which their advisory opinions were requested by Senate Order of February 14, 1941, and understanding from the preamble and Legislative Documents submitted that the questions have reference to the office of Treasurer of State, respectfully submit the following answers.

Question 1.

Where the Constitution provides for the tenure of office, qualifications, and mode of election of a state officer but contains no express prohibition of legislation with regard to such tenure, qualifications or election, would it be a constitutional exercise of the legislative power to pass, concurrently with a resolve proposing an amendment to the constitution removing therefrom the provisions relative to the election, tenure of office and qualifications of such officer, an act providing a different mode of election and a different tenure of office, which act is not to become effective until and unless such resolve is adopted by the people?

Answer 1.

Article XXVII of the Amendments to the Constitution of Maine provides:

"The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the Senators and Representatives in convention, but shall not be eligible more than six years successively."

It is, of course, well settled that legislative power is measured by limitation, not grant, and is absolute and all-embracing except as expressly or by necessary implication restricted by the Constitution. *Sawyer v. Gilmore*, 109 Me. 169, 180; *Opinion of Justice*, 132 Me. 519; *Cooley's Constitutional Limitations*, 8th Ed., Vol. 1, Page 348. A prohibition by necessary implication is as effective as an express prohibition.

We are of opinion that Article XXVII of the Amendments to the Constitution of Maine, clear and unambiguous in language, is mandatory and, by necessary implication, not only absolutely prohibits filling the office of State Treasurer by any method of selection not there prescribed, but is also a complete inhibition against the enactment of Legislation to that end, even conditionally. *Opinion of Justices, supra*. This question is answered in the negative.

Question 2.

If the provisions for ratification of Legislative Document 46 were omitted from Legislative Document 49 and the act and resolve finally passed by the legislature and the resolve adopted by the people, would Legislative Document 46 then become effective according to its terms as a valid and constitutional exercise of the legislative power?

Answer 2.

We answer this question in the negative.

Question 3.

If the legislature has not the power to pass the act set forth in Question 1 and the act is unconstitutional, can such unconstitutionality be cured by including in the resolve amending the Constitution as set forth in Question 1 an express provision ratifying and approving such act?

Answer 3.

We answer this question in the negative.

Question 4.

If Legislative Document 49 as now written were to be finally passed by the legislature and adopted by the people, would the provisions of Section 4 thereof cure any want of power in the legislature to pass Legislative Document 46 and make that act then effective as a valid law?

Answer 4.

We answer this question in the negative.

Very respectfully,
 (Signed) **Guy H. Sturgis**
James H. Hudson
Harry Manser
George H. Worster
Harold H. Murchie.

Dated February 26, 1941.

To the Honorable Senate of the State of Maine:

The undersigned respectfully submits the following answers to the Questions upon which advisory opinions of the Justices of the Supreme Judicial Court were requested in Senate Order of February 14, 1941.

When I find myself in disagreement with all my associates I have some hesitation ordinarily in giving expression to the reasons for my own conclusion. In this instance, however, the individual opinion of each justice is asked for, and though I should prefer to defer to the views of those who at all times command my respect, I feel that my duty demands that I set forth the reasons for my answers to the questions submitted. This action is perhaps more than ever required because of the fact that I joined in the opinion submitted to the Honorable Senate of the State on December 15, 1933. Opinion of the Justices, 132 Me. 519.

I can see no difference in principle between the first and second questions now presented to us and the first question which was answered at that time. A more thorough study of the problem has, however, convinced me that the opinion to which I then gave my adherence should be modified.

I concur in what was then said that legislative power is "absolute and all embracing except as expressly, or by necessary implication, restricted by the Constitution." The opinion then delivered properly makes no distinction whether the restriction is express or implied. It is a prohibition in either case. When therefore the Constitution of Maine, by the provisions of Art. V, Part 4th, as amended by Art. XXIII and by Art. XXVII, provides that the Treasurer of State shall be chosen "by joint ballot of the Senators and Representatives in convention," there is a prohibition against his being chosen in any other way.

The aim of the proposed resolve to amend the constitution, Legislative Document No. 49, is to remove this prohibition on legislative action by the simple process of striking out the constitutional provision providing for the election of the Treasurer of State by a joint convention of the Senators and Representatives. If the amendment should be adopted the whole matter could then be

taken care of by legislative enactment.

It seems to me to be highly desirable that the legislature should have the right to enact a law anticipating a constitutional change and contingent on it. The problem presented by the questions submitted to us is one example of the importance of such a right; for, even though the resolve provides for the temporary holding over by the old Treasurer of State, it is obvious that new machinery should be ready to function immediately on the adoption of the constitutional amendment which does away with the old organization. After all the purpose of our constitution, in addition to providing for the protection of individual rights, is to establish rules for the orderly administration of the affairs of state. Constitutional provisions are not necessarily self-executing and it is often essential to have enabling acts to make effective the will of the people. It is certainly a commonsense view to hold that the Legislature may provide such enactments to take effect concurrently with the adoption of the constitutional amendment. I have found nothing in the constitution of this state which holds invalid such a reasonable procedure and every court but one which has considered the question concedes that it is proper. The desirability of such power is well illustrated by the situation which arose at the time of the adoption of the 18th amendment to the federal constitution. Prior to such amendment Congress had no power to prohibit the manufacture and sale of intoxicating liquor for beverage purposes within the states. On the date when such prohibition became effective under the terms of the amendment it became mandatory on Congress to do so. If Congress could not have passed valid enabling statutes to take effect at the same time as the prohibition established by the amendment, we should have had at least some period of time when there would have been no machinery to carry out the people's mandate.

That Congress had such power was settled by the case of *Druggan v. Anderson*, 269 U. S. 36. It is true that the court was there dealing with a statute which was passed after the adoption of the amendment and before the time when the acts against which the amend-

ment was directed became unlawful under its terms. I can see, however, no difference in the result between that situation and one where the taking effect of the statute is contingent on the adoption of the amendment. It is apparent that the Supreme Court of the United States saw no distinction; for in a dictum in the opinion in this case Justice Holmes, speaking for a unanimous court, said: "Indeed it would be going far to say that while the fate of the Amendment was uncertain, Congress could not have passed a law in aid of it, conditioned upon the ratification taking place."

I am unwilling to deny to the Legislature of this state the same power in this respect which the Supreme Court has said was vested in Congress, a power which has also received general recognition by state courts.

I therefore answer the first question in the affirmative. For the same reasons I answer the second question in the affirmative. In the light of my answers to these questions, it becomes unnecessary to answer three and four.

Very respectfully,

SIDNEY ST. F. THAXTER.

Dated February 26, 1941.

Which communication and accompanying papers were read and ordered placed on file.

Senate Committee Reports

Ought Not to Pass

Mr. Townsend from the Committee on Claims on "Resolve in Favor of William Wallace, of Waterville," (S. P. 223) reported that the same ought not to pass.

(On motion by Mr. Fellows of Kennebec the bill and report were laid upon the table pending acceptance of the report.)

Mr. Dorr of Oxford from the same Committee on "Resolve in Favor of Thelda Lee, of Augusta," (S. P. 222) reported that the same ought not to pass.

Mr. Bridges from the Committee on Inland Fisheries and Game on "Resolve in Favor of a Fish Screen at Togus Pond," (S. P. 380) reported that the same ought not to pass.

Mr. Libby from the Committee on Motor Vehicles on Bill "An Act Relating to Motor Vehicles to be Equipped with Lights, Reflectors and Specifications," (S. P. 255) (L.

D. 408) reported that the same ought not to pass as legislation thereon is inexpedient.

The same Senator from the same Committee on Bill "An Act Regulating the Dimming of Lights on Approaching Motor Vehicles," (S. P. 28) (L. D. 2) reported that the same ought not to pass as legislation thereon is inexpedient.

The same Senator from the same Committee on Bill "An Act Relating to Motor Vehicles Carrying Objects Extending from Rear and Load be Securely Fastened," (S. P. 256) (L. D. 409) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Non-resident Vehicles and Operators," (S. P. 385) (L. D. 631) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Emery from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Taxation of Insurance Companies," (S. P. 382) (L. D. 620) reported that the same ought to pass.

Mr. Libby from the Committee on Motor Vehicles on Bill "An Act Authorizing the Registration of Motor Vehicles Operated by Government Agencies," (S. P. 386) (L. D. 632) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

Ought to Pass as Amended

Mr. Emery from the Committee on Mercantile Affairs and Insurance, on Bill "An Act Relating to Foreign Insurance Companies," (S. P. 384) (L. D. 622) reported that the same ought to pass as amended by Committee Amendment "A"

Which report was read and accepted, the bill read once and Committee Amendment "A" was read as follows:

Committee Amendment "A" to Legislative Document 622. Amend said bill by striking out the word "shall" in the sixth line thereof and restoring in place thereof the word "may."

Further amend said bill by striking out the word "May" in the eleventh line thereof and inserting

in place the word "June," and by striking out the word "ten" in the second line of the second paragraph thereof and inserting in place thereof the word "five."

Committee Amendment "A" was adopted and the bill as amended by committee amendment "A" was tomorrow assigned for second reading.

Mr. Harkins from the same Committee on Bill "An Act Relating to Licenses of Insurance Companies," (S. P. 383) (L. D. 621) reported that the same ought to pass as amended by Committee Amendment "A."

On motion by Mr. Stilphen of Lincoln the bill and report were laid upon the table pending acceptance of the report.

Ought to Pass in New Draft

Mr. Libby from the Committee on Public Utilities on Bill "An Act to Enable the Town of Upton to Produce and Distribute Electricity within its Territorial Limits," (S. P. 272) (L. D. 565) reported the same in a new draft (S. P. 477) under a new title, Bill "An Act to Enable the Town of Upton to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits," and that it ought to pass.

The same Senator from the same Committee on Bill "An Act to Enable the Plantation of Magalloway to Produce and Distribute Electricity within its Territorial Limits," (S. P. 271) (L. D. 564) reported the same in a new draft (S. P. 478) under a new title, Bill "An Act to Enable the Plantation of Magalloway to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits," and that it ought to pass.

The same Senator from the same Committee on Bill "An Act to Enable the Plantation of Lincoln to Produce and Distribute Electricity Within its Territorial Limits," reported the same in a new draft (S. P. 479) under a new title, Bill "An Act to Enable the Plantation of Lincoln to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits," and that it ought to pass.

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

Passed to Be Engrossed

Bill "An Act Relating to Sunday Moving Pictures." (H. P. 5) (L. D. 4)

Bill "An Act Relating to the Raymond Fish Hatchery." (H. P. 795) (L. D. 308)

Bill "An Act Relating to the Time of Opening and Closing of Polls." (H. P. 1152) (L. D. 452)

Bill "An Act Amending the Unemployment Compensation Law so as to Reduce Waiting Period for Unemployment Benefits and to Preserve Benefits for Persons in the Military Service." (H. P. 1260) (L. D. 559)

Bill "An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs." (H. P. 1500) (L. D. 815)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act to Authorize Adequate Court Facilities in Oxford County." (S. P. 231) (L. D. 391)

(On motion by Mr. Dorr of Oxford the bill was laid upon the table pending second reading.)

Bill "An Act Relative to Standish Game Preserve." (S. P. 241) (L. D. 393)

Bill "An Act Relating to Probation Officers and Their Duties." (S. P. 350) (L. D. 666)

"Resolve in Favor of Bion M. Rhoades, of Topsfield." (S. P. 472) (L. D. 974)

Which bills and resolve were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs: Report "A, Ought to Pass"; Report "B, Ought Not to Pass," on bill, An Act Relating to Conservation of Soil and Soil Resources and the Prevention and Control of Soil Erosion (S. P. 68) (L. D. 51), tabled by Mr. Dow of Oxford on February 27th, pending acceptance of either report, and today assigned; and that Senator yielded to the Senator from Aroostook, Senator Findlen.

Mr. FINDLEN of Aroostook: Mr. President, I move Report "A" be accepted and in so doing, I believe the Senate is entitled to a short resume of the bill itself and my reasons for this motion. Soil erosion has been

a problem in Maine the past ten years. It has been a problem in the mid-west and in the south, but it has been an especial problem in Aroostook County due to the fact that we use our soil continuously. We cultivate it, crop it, and the soil is continuously used, which, of course, makes it erode more easily. The question of whether we have erosion or not in Aroostook County can be testified to very well by the people who live there. Our custom has been over a period of years to cultivate our soil up and down hills, to plant our hills up and down hills in straight rows and for those of you who never have visited the county, our county is not as level as you might suspect, but rather rolling and so we get a tremendous wash in heavy showers and during the spring freshets. The water runs down these hills and carries our best soil into brooks and rivers so that many times we have stood in our yards and seen our brooks run red and rivers run red for two days after heavy showers. We feel, of course, that this method of planting straight up and down the hills is one that is very handy to do but one that is very costly. Now you may ask us why we have not changed our methods. Well, we have not in the first place had the "know how". Soil erosion program calls for contour plowing and contour cultivation so that this water may be allowed to drain off our lands without the tremendous rush down hills.

Now, seeing this problem and having seen it for a number of years, we found the federal government had an agency that might help us in the control of our erosion. So we invited the department of Agriculture to send us help. They were invited in 1937 by the Aroostook County Council, by the Department and Experiment Station and the Extension Department. They came, a group of men, to study our situation and study our problem and prescribe certain aids to help us to control it ourselves. They set up an experimental area between Presque Isle, Caribou and Fort Fairfield on the bend of the river where the erosion problem seemed to be the greatest. They set up an area comprising about 30,000 acres and they have been working in that area since that time.

They took in the first years some

of the very worst problems, some of the steepest farms and some that had received the worst erosion. They have demonstrated their ability to control the erosion, to keep the land on the hillsides and to help the farmer to operate his farm successfully. I wish you to bear in mind that our best soil is on the tops of the hills and on the hillsides. Our poorest soils are in the valleys so that we are especially anxious to keep this top soil upon the hills and on the hillsides and not have it washed down into the valleys and into brooks and streams where it never will be of any value to anybody.

After having completed—not completed but demonstrated their ability to do this thing in an experimental way, a great many farmers outside the area showed a desire to have erosion control methods on their farms so we have quite a demand from people of our county and people in Piscataquis and Penobscot County and other places where they use soil a great deal for this soil erosion work to be carried out on their farms.

Now then, it only follows that after the experimental stage is over, after the men have demonstrated their ability to control erosion, the federal government has asked us here in Maine to pass an enabling act so that they would have some authority for coming into our state and doing this type of work. Two years ago the bill was offered to me and I was asked to introduce it. I had not had time to make a complete study of the bill itself and so I thought it was best not to introduce it until we had had time to look the bill over and see how it applied to Maine, and so the bill was not introduced last session. As I said before, we have passed through the experimental stage. In 38 states they now have such an enabling act. If Maine's doesn't want to pass such an enabling act I suspect that these technical men will be withdrawn from Maine and sent to other places. There are a great many other states—not a great many but a few, at least, and a great many sections of other states who can handle these technical men very nicely. I believe it would be a step backward for Maine to refuse to pass this enabling act because I believe the people of Aroostook County need this type of soil building

program and we cannot do it by ourselves.

The question was asked, why cannot you do this without any assistance from the federal government? Well, we have been farming up there 50, 60 or 70 years and a great many farmers still now do plant up and down hills. We have not the "know how". You just cannot go straight across the hill because you must control your water. Contour cultivating is a new method in crop production and we must be taught. We must have technical advice and we must have surveyors and those technical men to show how this can be done.

Now, when we get down to the bill itself, I believe you men are better capable to read this bill and digest it than I am, as a farmer, to explain it to you. I do wish to call your attention, however, to the first part of the bill, the first part of which defines the policy. Section 2 defines the terms used and Section 3 provides for the establishment of a state committee. This committee consists of the Director of Extension and Director of the Experiment Station and three farmers to be appointed by the Governor. Section 4 provides for the creation of districts by the State Committee. I might say in connection with this, that 25 farmers within the territory can apply to the State Committee and have a district set up. Sections 5 and 6 provide for the election of supervisors. The supervisors consist of five men, two appointed by the State Committee and three elected by the farmers themselves. Section 7 defines the powers and duties of the supervisors to carry out the soil erosion control measures.

Now, we have taken out from this bill or this enabling act all land use regulations. In some States it is necessary to put in land use regulations so that the farmer on the hillsides, by his methods cannot damage the farm underneath him, but in Maine we see no need for land use regulations. This bill has no "must" in it. It is voluntary in every way, shape and manner. Even within a district any farmer can do as he pleases on his own farm. No people can go on his farm and tell him what he must do as it is purely voluntary from one end to the other.

Now, as I said before, there are certain things we people of Maine

cannot do by ourselves. We cannot control our soil erosion by ourselves. We have demonstrated we cannot do it in the last 50 years and we have demonstrated in the last three that with the aid of these technical men we are able to control our land on the hillsides where this practice has been put into effect.

We accept federal money for the building of roads under certain restrictions. We recently passed an order whereby we voted to spend \$25,000 to get \$660,000 from the federal government. We have an agricultural conservation program in Maine, a good program whereby if you do certain things on your farm the federal government will pay certain amounts of money, and the amount of money collected this last year through this agricultural conservation program amounts to \$1,826,000 and some odd dollars. We also have in Maine and especially Aroostook County a Starch Diversion program whereby the federal government attempts to take our surplus potatoes and they are used for making starch; the federal government paying forty cents and the starch manufacturers paying forty cents a barrel and by that method they have kept the price of potatoes at eighty cents a barrel. Now if left to ourselves—and Maine grew a tremendous crop of potatoes this year—I believe the average price would have been fifty or sixty cents a barrel, had we not had the starch diversion program.

We had a bill before us recently permitting the Bureau of Health and Welfare to cooperate with the Federal Department of Agriculture in the distribution of agricultural surplus commodities. We seem to be able to cooperate with the federal government when we are getting the best of the trade. I suppose it is proper but I do not believe we should lose sight of the fact that soil erosion is a problem that we cannot solve ourselves and we need federal aid to help us out. The basic principle underlying the soil conservation district laws is to place the responsibility for formulating and carrying out an erosion-control program squarely upon the shoulders of local people. Moreover, they require that the initiative for the program must come from local people and rise from local needs. No district can be formed unless the people want it, and then not unless they register this want first

by petition and later by a favorable vote in a referendum. Once the district is formed control of its affairs rests with local people.

Maine cannot afford to lose good farm land. The 1935 census report of the Department of Agriculture of the State of Maine places the total valuation of all farm lands and buildings at \$145,000,000. Aroostook's valuation at that time was over \$51,000,000. Now, of course we must discount that valuation considerably since 1935, that is, between 1935 and 1941. In other words, Aroostook has one third of the valuation of all farm lands and farm buildings in the state of Maine. Land has always been and always will be the most tangible source of revenue.

Mr. President, I move that Committee Report "A" be accepted and when the vote is taken I would ask for a division. If Report "A" is accepted then I will ask that the bill be laid upon the table for certain amendments.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Findlen, to accept Committee Report "A", ought to pass.

Mr. SANBORN of Cumberland: Mr. President, I would not undertake to discuss this matter but for the fact that I know it might be supposed that one who had signed another report should have some reasons for so doing. I certainly would not undertake to appear before this Body as one thoroughly informed as to conditions in Aroostook County. I can only say, and I perhaps have no right to speak for the others who signed the same report which I did, but can only say for myself that the hearing, which was well attended, did not seem to me to be fully enlightening. In other words, at its close I found myself far from entertaining any conviction that the passage of this bill would be either wise in general or of ultimate assistance to the farmers of Aroostook County.

There seemed to me to be a good deal of The New Deal in the phraseology of the bill. There were present at the hearing one of two representatives of the Federal Government and I confess myself to have been somewhat under the influence of a feeling that I have long entertained, that it has not been altogether fortunate for the State of

Maine that we have entered into so many arrangements as we have at the behest of the Federal Government. Many of them, of course, we have perhaps felt ourselves forced into because of Federal funds and when we come to one which does not emphasize that phase of the matter I feel that perhaps it might not be altogether wise to enter into it.

A second reason was that personally I was not convinced that the people of Aroostook County, of their own initiative and by their own methods, might not go ahead and accomplish all the results which they hope to attain through this bill. Another reason which led me into some doubt was the control that it would seem to have over the owner of the land involved in one of the districts once he had assented and come into one of these districts.

The land owner himself may, I suppose, be taught to know what he wants and when he has once come into it he might be held to take the consequences, but suppose that during the progress of the work contemplated he had occasion to sell his farm. One of two things might well take place. Either one who would purchase to his advantage but for the fact that he was involved in this arrangement might be deterred and he might lose a good sale of his place, or, on the other hand, one who purchased without careful thought and without full realization might find himself in possession of a farm under obligations which he himself would not have incurred if he had been more forehanded. Moreover, it might be seen how it would militate against an opportunity which one might have to borrow. I can see how banks might hesitate to loan on a farm which was already involved in this affair, whereas but for that they would make loan.

Now, I am not offering this as an argument against the bill. I said before, and I repeat it, that I do not feel competent to pass upon the merits of a problem which is so intimately connected with the destinies of Aroostook County. I simply say that these are matters upon which I do not feel that I have sufficient information as the result of the hearing and I cannot in good conscience join in the report endorsing a method concerning which I entertain such doubts.

These are the main reasons why I signed the report "Ought Not To Pass". It may well be that the passage of the bill would result to the great advantage of Aroostook County. If so, and that could be determined, I should be heartily in favor of it.

One thing that seems to me to be almost certain is that once launched on this program the county would find itself unable to carry it out without material financial assistance either from the state or from the federal government, and I think that if we approve this we should approve it with the full expectation that we may be called upon later to make liberal appropriations for carrying out the program or we shall find ourselves further involved with the federal government due to their own participation.

It was the purpose of the committee, and I think I may fairly speak for all the members, that no one felt any definite or strong conviction either way, and we concluded that a divided report, evenly divided like this, would lay the whole matter before the Senate and that the Senate, after due discussion, might form their own conclusion and could act on their own judgment rather than on the judgment of the committee.

Mr. BISHOP of Sagadahoc: Mr. President, I have been given to understand that very little influence is created or lost by speaking on the floor of this honorable Body but inasmuch as I know so little about the technique of politics I feel that any matter that is of controversial nature such as this, where the committee report is divided, that it is a most wholesome and healthy place in which to discuss the matter.

I would deviate from the question momentarily and review a bit of ancient history. In this country when it was founded lumber interests bought up land at a very small figure with their own interest solely in view. They stripped forests from hillside and country side. At the present time we are using four thousand acres of timber land per day just for newsprint and we are doing nothing to restore that great natural industry. Up and down the Mississippi Valley where thousands of acres of timber land has been stripped off and the line driven back, we have now nothing to hold the rush of snow melting, and of

storm. Every storm there is a deluge of rich soil carried down from these most fertile fields into the Mississippi River and out into the Gulf of Mexico to the extent of hundreds of millions of dollars worth of most valuable and fertile soil.

I will go back just a bit further and state that my great grandfather was one of the first white settlers along the Aroostook River and he settled in the present town of Presque Isle on the Eastern side of the Aroostook River. A few years later my grandfather settled on the west side. They went in there and took up tracts of land which were virgin forests. They cut down these beautiful trees with no thought but to carve out a home and a farm. One plot of 320 acres was cut down, the logs were rolled up into piles and burned in the Spring. They went on further and planted their crops among the stumps, their turnips and potatoes, small farms springing up, and my own father cleared a 90-acre tract right next to the 320 acres which I just mentioned. I saw some of that myself.

Those small farms were bought up by big interests. I can remember the rock piles and the fence lines. These things have a tendency to let down the rush of water in the spring when the top snow melts. Previously the water ran off slowly but in the past ten or twenty years big corporations or big farmers have bought up these small farms, moved away the rock piles, cleaned out the fences and the little fields of ten and fifteen acres are now hundreds of acres in size. They plant their rows up and down the hills and with every storm and with every shower, many inches deep and many feet in extent of fertile soil are washed down the Aroostook River, a total loss to humanity and to the farming industry itself.

I mention these things because they are history. We have had little or no foresight for future generations and for the future of the industry.

Now, we have heard it mentioned, not only here but I have heard it outside, that this bill "has the smell of the New Deal," it "has the taste of the Brain Trust." That is deplorable, I think. Men from the Department of Agriculture in the United States Government have been there for twenty-five, thirty and forty years before the New

Deal was ever heard of. Senator Findlen has said that we have taken one million, eight hundred and twenty-six thousand dollars in the year 1929 from the federal government. Only last week we allotted twenty-five thousand to the highway department in order to get six hundred and sixty thousand dollars from the federal government for the Starch Diversion Program. Now, they say that this bill "smells of the New Deal."

There is a clause in this bill, Section 9, which provides that after five years it is not compulsory; that after five years they can vote not to continue, if they wish. No farmer has to follow this program if he doesn't like it. If he doesn't want it he can discontinue it. If he doesn't make his farm a better farm and more valuable he doesn't have to go on with it. And if it is more valuable, then I believe the banks will loan more money and that they will have a better sale.

Now in view of Aroostook county history I want to go on record that we should compensate for and correct the errors of my ancestors by passing this bill, and I feel that that will be a long step in the right direction.

Mr. HILDRETH of Cumberland: Mr. President, through the Chair I would like to ask the Senator from Aroostook, Senator Findlen, if he would care to explain in a little more detail the financial aspects of this question about which I am completely ignorant.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, asks a question, through the Chair, of the Senator from Aroostook, Senator Findlen, who may answer if he wishes.

Mr. FINDLEN: Mr. President, we have not asked in this bill for a nickel from the State of Maine. The reason we have not is because in my experience in the legislature I have found it mighty hard to ask for money and receive it for purposes of this kind. Now I would not hesitate two years from now, four years from now or six years from now whenever the necessity arose, to come to this legislature and ask for an appropriation for a cause as worthy as this, if and when that time arose that we need money for this purpose. The money that has been spent up to now has been

spent by the federal government, itself.

I believe that in the carrying out of this bill a great many of us farmers, who believe in the program and want the provisions of it carried out, I suppose we will dig down in our pockets and produce the amounts of money that may be needed to carry out elections for instance, and carry due notice in the papers and that sort of thing. Beyond that, I can see no need for money. I would not hesitate, however, when that need arose, to ask this state for money for a project as worthy as this in view of the fact that since I have been in this legislature, the State of Maine, if I am well informed, has spent \$20,000 to control and inspect the billboards on the highways. Now I presume we will correct that in this session of the legislature. Nevertheless, we have spent in the neighborhood of \$20,000 to correct and inspect our billboards on the highways. I would not hesitate for a minute to ask the State of Maine to spend, or produce or raise \$1,000 or \$2,000 for soil erosion program sometime in the future whenever that time comes. Does that answer your question?

Mr. CHAMBERLAIN of Penobscot: Mr. President, I desire to second the motion of Senator Findlen that Committee Report "A" be adopted. The bill, itself, seems to be very elaborate. It is long and contains many words, but after all, it is very simple if you will read it carefully. It carries with it nothing mandatory. It is simply an effort to prevent loss in this state. It does not concern itself entirely with Aroostook, but with all other parts of the state. Anyone who has roamed the woods and fields of this state seeking fish and game, we being not agriculturalists, find soil erosion very evident, perhaps not so acute as in Aroostook County but still there, and this bill is not for Aroostook County alone but for all the rest of the State. It seems to me most desirable that we should go into it.

Much has been said concerning the New Deal, that this is a bill that savours of that. We hear very much today that this nation cannot be isolationists. Neither can individuals be isolationists, and no state, New Deal or otherwise, can separate itself and be isolated from the rest of this country, and if the

federal government chooses and does do its best to assist us if we try to do something ourselves, I see no reason in the world why we should not go into it. The question of money and cost may arise. The menace that confronts us from world conditions makes it absolutely necessary that we conserve not only our freedom and our democracy but also that we conserve the physical assets of this country which we inherited from someone else. It never has been a question in this country or this state to consider the appropriation of money if it is for the purpose of keeping our freedom and keeping our democracy and keeping our state and our connection with this country in a very healthy, splendid condition. I trust that Committee Report "A" will be accepted.

The PRESIDENT: Is the Senate ready for the question? The ques-

tion is on the motion of the Senator from Aroostook, Senator Findlen that Report "A" be accepted. That Senator has asked for a division. All in favor of the motion to accept Report "A", "Ought to Pass", will rise and stand until counted.

A division of the Senate was had.

Eighteen having voted in the affirmative and nine opposed, the motion prevailed and Committee Report "A", "Ought to Pass", was accepted and the bill was given its first reading.

Thereupon, on motion by Mr. Findlen of Aroostook, the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.