

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

Friday, April 18, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Relating to Inspectors in the Department of Secretary of State." (S. P. 500) (L. D. 1024)

(In the Senate on April 3, passed to be engrossed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Libby of Cumberland, that Body voted to insist on its former action and ask for a Committee of Conference. The President appointed as Senate members of such committee Senators Libby of Cumberland, Elliot of Knox, Haskell of Penobscot.

From the House:

Majority Report "Ought to Pass"; Minority Report, "Ought Not to Pass" from the Committee on Public Health on Bill "An Act Relating to the Duties of Superintending of School Committees," (S. P. 331) (L. D. 825)

(In the Senate, on April 4th, minority report read and accepted.)

Comes from the House, Majority report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Stilphen of Lincoln, that Body voted to insist on its former action and ask for a Committee of Conference. The President appointed as Senate members of such committee, Senators Stilphen of Lincoln, Elliot of Knox, Dow of Oxford.

House Committee Reports**Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Town of Greenville," (H. P. 1088) reported that the same ought not to pass.

The Committee on Indian Affairs on Bill "An Act Relating to Adoptions in the Indian Tribe," (H. P. 1576) (L. D. 927) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Compensation of Justices upon Retirement," (H. P. 101) (L. D. 56) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Imposing a Tax on Salaries and Wages," (H. P. 1595) (L. D. 907) reported that the same ought not to pass.

(On motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending acceptance of the report.)

Ought to Pass

The Committee on Legal Affairs on Bill "An Act Relating to Acceptance of Zoning Laws," (H. P. 1529) (L. D. 868) reported the same in a new draft (H. P. 1904) (L. D. 1135) under the same title and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

Divided Report

Majority Report, "Ought Not to Pass, as legislation is inexpedient at this time;" Minority Report, "Ought to Pass"; from the Committee on Judiciary on Bill "An Act Relating to Licenses and Permits for Outdoor Advertising," (H. P. 1153) (L. D. 357)

(In the Senate, on April 16th majority report, read and accepted in non-concurrence)

Comes from the House, that body having insisted on its former action whereby the Minority Report of the Committee was accepted, and the bill passed to be engrossed as amended by House Amendment "B", and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

MEGILL of Belgrade
GRUA of Livermore Falls
MILLS of Farmington

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to insist on its former action and join with the House in a Committee of Conference. The President appointed as Senate members of such committee Senators Laughlin of Cumberland, Farris of Kennebec, Harvey of York.

Communication

**MAINE-NEW HAMPSHIRE
INTERSTATE BRIDGE
AUTHORITY**

April 1, 1941.

To the Senate and House of Representatives, 1941 Session of the Legislature:

State of Maine.

We have the honor to present to the 1941 Session of the Legislature of the State of New Hampshire the first Biennial Report of the Maine-New Hampshire Interstate Bridge Authority as required by an Act of the State of Maine designated Chapter 18, Private and Special Laws of 1937, and an Act of the State of New Hampshire designated Chapter 4, Special Session (1936).

On March 4, 1937, and April 14, 1937, the Governors of the States of Maine and New Hampshire signed an Enabling Act which made it possible to enter into a compact with the United States Government. This latter step was necessary in order to apply for and receive a Grant from the Public Works Administration. This compact was consummated on July 28, 1937.

Upon obtaining a commitment from the Public Works Administration for forty-five per cent of the cost of the Project, the Reconstruction Finance Corporation agreed to buy bonds to be later issued by the Authority to finance the remaining fifty-five per cent of the cost. Bonds paying four per cent interest and maturing in 1969 have been sold and the proceeds used for construction.

The firm of Harrington and Cor-telyou, Consulting Engineers of Kansas City, Missouri, was employed to make plans and write specifications. Through their efforts, contracts for building the bridge and approaches were awarded on December 16, 1938, and June 18, 1940, as follows:

Contract 1, Substructure, Frederick Snare Corporation	\$682,076.75
Contract 2, Superstructure, The Phoenix Bridge Company	994,351.00
Contract 3, Maine Approach, Littleton Construction Co.	305,428.75
Contract 4, New Hampshire Approach, John Ia folla Construction Company	496,013.00
Contract 5, Toll House and Equipment, Edward L. Patterson and Son	22,905.00

In order to make possible the financing of the bonds, a Trust Indenture was written which, in great detail, sets forth the method of authenticating and selling the bonds and outlines the financial details for the construction and operation of the Project.

Following out the requirements of the Trust Indenture, The First National Bank of Boston has been appointed as the Trustee and the First National Bank of Portsmouth, New Hampshire, has been designated as the Depository.

Up to this date, the following sums have been spent for the purposes designated below:

Preliminary Expenses	\$ 2,768.35
Lands, Rights-of-Way and Easements	154,598.04
Construction	2,489,049.92
Engineering	162,189.17
Legal and Administrative	51,284.61
Interest during Construction	102,863.33
<hr/>	
Total cost to date	\$2,962,753.42

There is still some right-of-way to be purchased and, also, there remains work not completed by one contractor, as well as money yet to be paid the contractors for work completed but these contractors are in variance with the Authority as to the amounts of the final payment.

For the money spent, the Authority is holding as a Public Trust a bridge and approaches 4.42 miles long between a point about 2½ miles south of the Piscataqua River in New Hampshire and about 1½ miles north of the said river in Maine.

Some of the principal data covering the bridge and approaches is as follows:

Length of entire project	4.42 miles
Length of bridge between abutments (Five spans including 222 ft. lift span)	2,798 feet
Length of bridge approach (New Hampshire—fifteen spans).....	1,083 feet
(Maine—six spans)	475 feet
Length of connecting highway approaches (New Hampshire)	2.55 miles
(Maine)	1.34 miles
Width of bridge (Three lanes)	33 feet
Width of highways (two lanes each direction)	44 feet
Quantity of concrete pavement	100,600 sq. yd.
Number of grade separation crossings (Streets and highways)	6
(Railroad)	2
Total concrete masonry	50,000 cu. yd.
Total steel	7,300 tons
Maximum depth of piers in water	90 feet
Final cost of project—approximately	\$3,250,000

The Bridge was formally opened to traffic on November 8, 1940, since which time tolls have been collected upon the following basis:

Light Delivery Trucks	10 cents
Passenger Cars	10 cents
Other Trucks:	
Two-Axle Truck, with single tires on rear wheels	15 cents
Two-Axle Truck, with double tires on rear wheels	20 cents
With more than two axles	25 cents
Busses	25 cents
Motorcycles	05 cents
Passenger Car Trailers	05 cents
Light Tractors	10 cents
Heavy Tractors	20 cents

The members of the Bridge Authority as appointed by the Governors of Maine and New Hampshire are as follows:

- Representing Maine:
 - William H. Hinman, Skowhegan, Vice Chairman
 - Hollis B. Cole, Kittery, Treasurer
 - Stillman E. Woodman, Machias
 - Paul C. Thurston, Bethel (resigned)
- Representing New Hampshire:
 - Frederic H. Everett, Concord, Chairman
 - Frank E. Brooks, Portsmouth, Clerk and Assistant Treasurer
 - Doctor James J. Powers, Manchester

The personnel operating the bridge is made up of an executive secretary who acts as manager, a bookkeeper, six toll collectors, four bridge operators and a maintenance foreman. During peak loads substitute toll collectors are used as needed.

The present traffic would indicate that this Project will be self-liqui-

dating within the period covered by the life of the bonds.

Respectfully submitted,
FREDERIC E. EVERETT,
 Chairman

For the Maine-New Hampshire Interstate Bridge Authority
 (S. P. 560)

Which was read and ordered placed on file.

Sent to the House.

**Senate Committee Reports
 Final Report**

Mr. Dow of Oxford from the Committee on Reapportionment submitted its Final Report.

Ought Not to Pass

Mr. Farris from the Committee on Judiciary on Bill "An Act to Regulate the Manufacture, Sale, Distribution, Use and Possession of Explosives," (S. P. 436) (L. D. 891) reported that leave be granted to withdraw the same.

The same Senator from the same

Committee on Bill "An Act to Incorporate the Saco Bay Company," (S. P. 245) (L. D. 400) reported that the same ought not to pass, as legislation as this time is inexpedient.

Miss Laughlin from the same Committee on "Resolve Relating to the Revision of the General and Public Laws," (S. P. 371) (L. D. 623) reported that the same ought not to pass, as covered by other legislation.

Mr. Farris from the same Committee on Bill "An Act Relating to the Attorney-General and the Justices," (S. P. 249) (L. D. 405) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Farris from the Committee on Judiciary on "Resolve Providing for the Revision of the Statutes," (S. P. 244) (L. D. 818) reported the same in a new draft (S. P. 561) under the same title, and that it ought to pass.

Miss Laughlin from the same Committee on Bill "An Act to Establish Labor Relations in the State of Maine," (S. P. 356) (L. D. 673) reported the same in a new draft, (S. P. 562) under a new title, Bill "An Act Relating to Labor Relations in the State of Maine," and that it ought to pass.

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

Mr. Sanborn from the Committee on Education on Bill "An Act Relating to School Equalization Fund," (S. P. 293) (L. D. 504) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading. Committee Amendment A was read as follows:

"Amend said bill by striking out in line 7 of subdivision (b) of section 1, the words 'emergency, exceptional and temporary appointments,' and

"Further amend subdivision (b) of section 1 by renumbering the items to read consecutively; and

"Further amend said act by adding at the end thereof Section 4 to read as follows: 'Sec. 4. Saving

clause. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.'"

Committee Amendment A was adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A.

Sent down for concurrence.

Divided Reports

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-general by the Governor with the Advice and Consent of the Council, for a Term of Four Years," (S. P. 343) (L. D. 660) reported that the same ought not to pass.

(Signed)

Senator:

HARVEY of York

Representatives:

McGLAUFN of Portland

BRIGGS of Hampden

WILLIAMS of Bethel

PAYSON of Portland

HINCKLEY of South Port-

land

MILLS of Farmington

GRUA of Livermore Falls

The Minority of the same Committee on the same subject matter, reported the same in a new draft, (S. P. 563) under a new title, "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-general by the Governor, subject to Confirmation by the Senators and Representatives of the Legislature," and that it ought to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland

FARRIS of Kennebec

Miss LAUGHLIN of Cumberland: Mr. President, I move the adoption of the Minority Report. I will say a few words, but I do not imagine it will be adopted. In all these questions of the Governor appointing administrative officers, it seems to be in line with the whole principle of American government; that is, we have the executive, legislative, and judicial. In the executive department, the governor should really be the chief executive and have full powers, and should keep out of the legislative department entirely. I have been here enough years to

know how certain governors have called meetings of certain committees to come in and he has imposed his will upon certain legislation. I have been on a committee where every member, except myself, would say, "We are opposed to this bill but the governor wants it, so we will report favorably." I consider it a vicious system and I consider it should be apart from the legislature.

I think on the executive part, the chief executive should not be interfered with, and for that part, have full control of the administration of the state. Of course, in the federal government we follow that system. The chief executive appoints the attorney general and the secretary of the treasury. Of course the secretary of state is very different from ours and doesn't count. He appoints all heads of departments because that is a part of the administrative and executive part of the government.

I believe in taking a position here and giving the chief executive power, as executive, to look after the executive and administrative part of government and I think it would strengthen the fact that the legislature be left free from pressure upon legislative matters, which has been so much the custom in the past. I think we who went out speaking over the state realize—take the Auburn robbery for instance—they laid it on Governor Barrows everywhere. I am not saying the attorney general was lax or the secretary of state was lax but I say the governor was not responsible. As a matter of fact, he had no power over those departments. For that reason, I believe, as I say, the executive should have full power over executive matters and appointments of executive and administrative officials.

Therefore, I am in favor of the minority report, establishing really in this state what we consider the American system of government, three branches, the executive under the executive, the legislative free from executive interference, and the judicial. When we talk about setting up a dictatorship in this country, it is when the legislature interferes with executive, that is when we get dictatorships. I say you should give all executive and administrative powers to the executive and keep the executive out of legislative matters, and in that way we would strengthen the whole system.

Mr. HARVEY of York: Mr. President, in considering this matter before the Judiciary Committee, we felt that it was wise legislation when it was made possible for the attorney general to be selected in the manner and form that the state has been selecting them in the past. We also felt that the legislature had, during the past few years selected most excellent attorney generals. We also felt,—although there might have been some exceptions—we also felt it would be a poor policy to have the head of your state, your executive head, select the man who may, on some occasion, be required to take some most important action against that very head. We think the matter should be left alone, and briefly, those were some of the reasons that were expounded and expressed; and I trust you will not accept the minority report.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the conditions that surround the people in this country today are so complex and require such a complete technical training in order to carry them on efficiently, it seems to me it would be very suitable to adopt in public affairs some of the things that private industry, which has carried on so wonderfully well in this country, that we should adopt into public affairs some of those things that have served so well there. New occasions teach new duties and time makes ancient truth untrue. It seems to me, as members of a legislature, we should abide by that sentence and adopt some of these new things in legislative affairs. I trust the motion of the Senator from Cumberland, Senator Laughlin, will be adopted.

Miss LAUGHLIN: Mr. President, I meant to say and intended to emphasize the fact that this new draft requires the confirmation by the legislature and not by the council. One other thing, I have felt it was all wrong for the legislature that is supposed to be elected for the purposes of legislation, to be pulled and hauled for this and that candidate, for attorney general, commissioner of agriculture, secretary of state and others, which muddles the whole thing up, and some people are elected because of their support of a certain candidate when they should be elected because of their stand on certain legislation. That is one of the things we should get rid of. When we elect our rep-

representatives and senators for the United States Congress, we elect them because of principles they stand for, but here some of the legislators are elected on the basis of whom they are going to vote for the office of commissioner of agriculture, secretary of state, treasurer of state and attorney general. I believe the legislature should be free from that pulling and hauling.

Mr. SANBORN of Cumberland: Mr. President, I fully agree with the sentiments expressed by my colleague from Cumberland, Senator Laughlin. In my mind it resolves itself into a sort of practical question. The selection of attorney general is in the nature of one's choice of a professional servant. I think all of us have been, sometime in our life, conscious of our own inability to determine to what professional person we should apply for service or advice. In my own instance, I am frank to say, if I were taken suddenly ill, I am at the present moment too ignorant of the professional qualifications of the physicians of the city of Portland, to have very much confidence in my own judgment as to whom I should select.

All of us who are attorneys, I know, have seen multitudes of instances of people misguided and misinformed and in their selection of an attorney, selected most unwisely.

Now, it seems to me an entire legislature, when assembled, coming from all parts of the state, in great proportion—and I guess the greater proportion, the better—the greater proportion being laymen, I think will look at the matter fairly and squarely, and there could not be supposed to be in the minds of such an aggregation, a very competent judgment as to a wise selection of an attorney general. If, as has been pointed out, we have had capable attorney generals, I think it may have been due more largely to the quality, the high quality of all the candidates rather than to any singular powers of discrimination on the part of the legislature.

It savors in spots, in the minds of some of us, a little bit of surrendering a right, giving up a right or power we have been given to exercise, but I ask you if we are so small in our minds as to cling tenaciously to some supposed right or privilege as against our judgment as

to what would be for the welfare of the state?

As has been so admirably pointed out by Senator Laughlin, the governor is the chief executive and is looked upon, at least, as responsible for the administration of the executive department and if his hands are tied, if he has handed him by a legislature any officer in the Executive Department, the selection of whom he has no choice, no matter what that officer may do or fail to do, he is looked upon as responsible and is put in an embarrassing position. I would reply to the argument which has been made, and it is of force so far as it is likely to have application; the argument that the Attorney General might have occasion to proceed against the Governor, if we consider on the law of chance or on our observation of past occurrences, if we judge of the likelihood of that contingency to arise or the frequency to which it might be expected to arise, I think that argument has very, very little force.

I believe the Executive should have a pretty free hand in the selection of heads of departments and then let him not only be thought responsible but let him be held responsible.

Mr. HARVEY: Mr. President, in answer to my capable colleague Judge Sanborn, I simply want to say this: If he personally is not in a position to be able to pick out his physician, he would have to have help and assistance to do that. How does he expect one man, the Governor, to be able to select, we might say, the physician of this state, the Attorney General? I believe and I feel that 184 men can do a proper job. They have done it in the past. Let us not leave it to one person to select some personal friend who might not live up to the expectations of that office. I believe we are going quite far and I think it is unnecessary at this time.

Mr. SANBORN of Cumberland: Mr. President, something in the nature of an inquiry having been made of me, I will answer it by saying that if I find myself suddenly confronted by an abdominal pain and I do not know whether or not it may be appendicitis, I don't have a whole lot of time to canvass the situation. The Governor has ample time to canvass the situation regarding an appointment, take counsel and act advisedly.

Mr. BISHOP of Sagadahoc: Mr. President, I would like to exemplify just a bit my position, this being something of a legal debate this morning. I came here December 31st, a freshman if there ever was one, and after hearing the qualifications of four or five candidates well expounded, I was in more of a quandary than ever so I refused to vote for any candidate. I didn't feel qualified and a great many others of the legislature were in the same situation. Several candidates came to my place to see me and several didn't. As a layman, I didn't have any idea as to who was the best man for Attorney General and so I refused to vote for anyone.

Miss LAUGHLIN: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, to accept the Minority Report and that Senator has asked for a division.

A division of the Senate was had. Thirteen having voted in the affirmative and seventeen opposed, the motion to adopt the Minority Report "Ought to Pass" did not prevail.

Thereupon, on motion by Mr. Harvey of York, the Majority Report "Ought Not to Pass" was accepted. Sent down for concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Powers and Duties of the State Personnel Board," (S. P. 316) (L. D. 521) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

(Signed)

Senators:

- LAUGHLIN of Cumberland
- FARRIS of Kennebec
- HARVEY of York

Representatives:

- McGLAUFLIN of Portland
- WILLIAMS of Bethel
- MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

- HINCKLEY of South Portland
- GRUA of Livermore Falls
- PAYSON of Portland
- BRIGGS of Hampden

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Majority Report be accepted and I ask that the matter be laid upon the table until later in the morning.

Thereupon, the bill and the accompanying reports were laid upon the table pending motion to accept the Majority Report "Ought to Pass as Amended by Committee Amendment "A."

Passed to be Enacted

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

Bill "An Act Relating to Compensation of Justices upon Retirement." (S. P. 547) (L. D. 1129)

Bill "An Act Relating to the Game Sanctuary in the Town of Standish in the County of Cumberland." (S. P. 548) (L. D. 1133)

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

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

Bill "An Act Relating to Transportation of Lobster." (H. P. 1556) (L. D. 847)

Bill "An Act Relating to Annual Audits in Cities, Towns, Plantations and Village Corporation." (H. P. 1859) (L. D. 1072)

Bill "An Act Relating to Farm Tractor Trailers." (H. P. 1893) (L. D. 1108)

Bill "An Act Relating to Lobster Fishing Licenses." (H. P. 1912) (L. D. 1143)

Finally Passed

"Resolve to Apportion One Hundred and Fifty-one Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine." (S. P. 533) (L. D. 1096)

"Resolve in Favor of the Towns in the Hancock-Sullivan Bridge District." (H. P. 1222) (L. D. 439)

"Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-two." (H. P. 1901) (L. D. 1125)

Emergency Measures

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

Which bill being an emergency measure, and having received the affirmative vote of 30 members of

the Senate, and none opposed was passed to be enacted.

"Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-one." (H. P. 1900) (L. D. 1124)

Which resolve being an emergency measure, and having received the affirmative vote of 31 members of the Senate, and none opposed was finally passed.

Order

(Out of Order)

Out of order and under suspension of the rules

On motion by Mr. Friend of Somerset, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 21, 1941, at 11:00 o'clock in the forenoon. (S. P. 559)

Sent down for concurrence.

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

Orders of the Day

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill "An Act Providing for the Sale of Liquor at Wholesale Prices by the State Liquor Commission to Persons Licensed to Sell Liquor to be Consumed on the Premises" (S. P. 517) (L. D. 1066) tabled by that Senator on April 14th pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table bill, "An Act Relating to School or Reserved Lands" (H. P. 1790) (L. D. 1043) tabled by that Senator on April 4th pending adoption of Senate Amendment A.

Mr. BROWN of Aroostook: Mr. President, I wish to say that at the time that this bill was tabled, I had objection to the adoption of Senate Amendment A but as this matter, covered in the last two paragraphs which Senate Amendment A would have removed from the bill, has been entirely and satisfactorily covered by another bill, I now move the adoption of Senate Amendment A.

Thereupon, Senate Amendment A was adopted and under suspension of the rules, the bill as so amended

was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary, Majority Report "Ought to Pass as Amended by Committee Amendment 'A', Minority Report "Ought Not to Pass" on bill, "An Act Relating to Powers and Duties of the State Personnel Board" (S. P. 316) (L. D. 521) tabled by that Senator earlier in today's session pending motion to accept the Majority Report.

Miss LAUGHLIN of Cumberland: Mr. President, my motion is the adoption of the Majority Report, I believe. There have been some criticisms saying that this is an attack on the merit system. Of course it is nothing of the sort; such a statement is entirely misrepresentative. I might say I am in favor of the merit system but know there are some objections to it and there are some who do not believe in it. Personally I do believe in it, but I do not believe any Personnel Board or director should be a dictator in all respects in regard to persons to be employed by the heads of departments.

If we didn't have this modern name for it, calling it a Personnel Board but calling it what it is really meant to be, a civil service commission, I think we would not be fooled by a lot of the things in relation to it nor as to its powers. Now as I understand it, a civil service board, and that is what this Personnel Board is supposed to be, should have examinations for different work in the government. It should create a classified service for persons who have taken the examination and are qualified for positions to be available for appointment and do away with appointment solely for political or personal reasons or nepotism or anything else without regard to merit and without regard to classified service.

It might go farther with heads of departments establishing a salary schedule which has a certain range. I understand, for instance, that there has been established a salary schedule for clerks from \$22 to \$28 a week. Having established that I do not believe it should then control

what is paid to a clerk in a department.

Now, for instance, here is a case where a head of a department had an employee who had been employed for a couple of years and so the head of the department having regard to the efficiency of that clerk—who had passed the civil service examination of course you understand—having regard to the efficiency of the clerk, raised the salary four dollars a week and then the Personnel Board or the Personnel Director arbitrarily reduced the salary to a two dollar a week raise. They don't know anything about the kind of work that person did. I asked them—not I think as part of the testimony on the Investigating Committee—on what basis they undertook to cut down that raise from four to two dollars, it having been made by the head of a department. Well, they thought it was too big a unit for a raise. They thought maybe the department had been partial. They knew nothing about the work whatever but still they cut down the raise. It is within their power.

Another case came to me, a person who has been employed twenty years in a department and has not received a raise in fourteen years. The head of the department has been half a dozen times to the Personnel Board to get a raise in salary for this employee but without success. There came the need for another employee and another employee came in, competent enough under classified service. They gave this new employee the same salary as the clerk who had been there twenty years and who was far more efficient was receiving.

You will see the only difference that L. D. 521 makes is that salary advancements within an established range shall be determined by the head of the department. It doesn't disturb the range the Personnel Board has fixed but as I mentioned in the case of a clerk who was within the \$22 to \$28 a week range, the head of the department could give a raise in salary because the head of the department is the only person who can know if a person in his employ is deserving of a raise in salary. The Personnel Board cannot tell. That is one amendment.

The other change which L. D. 521 makes is when they have no one qualified under classified service to fill a vacancy in the department

and the head of the department recommends someone for that position. Until the Personnel Board has given an examination and gets someone who, under that examination is qualified, they shall for the time being appoint the person recommended by the head of the department who shall hold the position only until the Personnel Board has had an examination and found somebody qualified. That person appointed provisionally shall be appointed until they have that examination but if that person does not qualify under the examination, he won't continue to hold the position, but if he does qualify he is eligible for that position.

A case came up like that. The head of a department wanted somebody for a certain position and there was no one qualified under classified service. They had no one for the position which happened to be a statistician so they could not supply anyone who was under classified service but they refused to appoint even provisionally the person recommended because under their powers they have control over all appointments. I asked the Director what they would do if the recommendation was for someone who was not already employed by the department—because in this case the department made the person do the work of statistician but under the rules of the Personnel Board was obliged to accept the salary of clerk—I asked what they would do if it were necessary to employ someone from outside the department. He said, "We would try to get them to take that salary." I said, "When would you have an examination?" He said, Well, we might have an examination in one year or we might not have an examination for three years."

So in that particular case of the person recommended for an increase in salary, that person has been serving for more than a year because this incident occurred a year ago January and there has been no examination for that position since then and yet the Personnel Board would not appoint provisionally until they had had an examination for that position.

To my mind it shows a fantastic notion of giving them such powers when they haven't anybody, but the head of a department recommends someone and they won't appoint the person the department head recom-

mends. So the change made is that when there is no one under classified service which the head of a department wishes to engage, the person recommended by the head of the department shall be appointed provisionally and then it is up to the Personnel Board to hold an examination and the person can qualify. If he doesn't qualify then someone else can be appointed. It has been sixteen months since the recommendation was made and the Personnel Board has not held that examination.

I have a letter saying that the person is doing the work and "we will have an examination in the near future." They have not had it yet and that was in January.

I believe that department heads should have some right in observing that part of the merit system and should have the power to raise the salary of an employee within the classified range if the employee is especially efficient and suited for the position.

We have heard a lot of complaints about people going to the Council to get jobs. It is one of the great objections to the Personnel Law. Do you think we improve it by having people running to the Director of Personnel for jobs? Everyone says, "Go to the Director of Personnel." I heard a man on the street asking where the office of the Personnel Board was. He wanted a job and was going to the Personnel Board. If we think it is an improvement over going to the Council I am very much mistaken. I believe in changing these powers which the Personnel Board has had giving some power to department heads because the Personnel Board is practically a dictator over every department and over every department head because they will not raise a salary if they don't want to. They won't make a provisional appointment if they don't want to, but will settle it and fix it any way they can. I believe the powers are altogether too great whether masquerading under the name of Personnel Board or any other.

The PRESIDENT: The question before the Senate is on the adoption of the Majority Report "Ought to Pass as Amended by Committee Amendment A." Is the Senate ready for the question?

Thereupon, the Majority Report was accepted and the bill was given

its first reading. Committee Amendment A was read as follows:

"Amend said bill by inserting after the crossed out words 'Of a sum' in the 27th line of the 4th paragraph of said bill the following: 'provided however, that no town may receive in any year an amount in excess of the proceeds of a levy of 12 mills on the valuation of the town.'

Further amend said bill by drawing a line through the word 'which' in the 27th line of the 4th paragraph of said bill and inserting in place thereof the underlined word 'The', and by inserting after the underlined word 'amount' in said 27th line the underlined word 'apportioned'.

Committee Amendment A was adopted and under suspension of the rules the bill, as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Treasurer of State by the Governor and Council (S. P. 546) (L. D. 1130) tabled by that Senator on April 14th pending consideration.

Miss LAUGHLIN of Cumberland: Mr. President, on the 14th of April, the Senate accepted the Majority Report of the Judiciary Committee "Ought to Pass." It came from the House with the Minority Report read and accepted in non-concurrence so I move that the Senate insist and ask for a Committee of Conference.

The motion prevailed and subsequently the President appointed as Senate members of such committee Senators Laughlin of Cumberland, Farris of Kennebec and Harvey of York.

Mr. Bishop of Sagadahoc presented the following order and moved its passage:

ORDERED, that on or before April 21 the Controller shall furnish to the Senate the names of the officials and employees of the Departments of Inland Fisheries and Game and Insurance who have, during the last 2 years, attended conventions or association meetings held outside the state, and a detailed statement of the expenses paid by the state for such attendance which shall contain:

- (1) the names of such officials, if any,
 (2) the names of such employees, if any,
 (3) the names of any other persons whose expenses upon trips to such conventions or association meetings were paid directly or indirectly by the state, in whole or in part, if any,
 (4) the names of the conventions or association meetings,
 (5) the place or places where held,
 (6) the times when held,
 (7) the expenses paid to or on account of trips to such conventions or association meetings, and to whom.

Miss LAUGHLIN: Mr. President, just for information what year does that order cover?

The Secretary read the order a second time.

Miss LAUGHLIN: I would like, Mr. President, to ask whether or not that is sufficient to cover those who went to the World's Fair?

The PRESIDENT: The Chair will state in answer to the Senator's question that in his opinion it would not include the World's Fair.

Miss LAUGHLIN: Mr. President, I would like to include the World's Fair in that order. I will prepare an amendment. Therefore, I move that this order lie upon the table for a few minutes so that I may prepare an amendment.

Thereupon, the motion prevailed and the order was laid upon the table pending passage.

Subsequently, on motion by Miss Laughlin of Cumberland, the foregoing order was taken from the table and that Senator presented Senate Amendment A and moved its adoption: "Senate Amendment A. Amend said order by substituting the figure '3' for the figure '2' in the 3rd line of said order and inserting after the word 'state' in line 4, the words 'and the New York World's Fair'."

Thereupon, Senate Amendment A was adopted and the order as amended by Senate Amendment A received a passage.

On motion by Mr. Friend of Somerset,

Adjourned until Monday morning, April 21, 1941 at 11 o'clock.