

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Second Legislature*

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

## HOUSE

Thursday, March 8, 1945.

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

Prayer by the Rev. Benjamin C. Bubar Jr., of Vassalboro.

Journal of the previous session read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Police Pensions in city of Portland" (S. P. 178) (L. D. 384)

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

### Refer to Committee on Welfare

Report of the Committee on Pensions on Bill "An Act relating to Old Age Assistance" (S. P. 331) (L. D. 820) reporting that same be referred to the Committee on Welfare.

Came from the Senate the Report read and adopted and the Bill referred to the Committee on Welfare.

In the House, report was read and accepted in concurrence and the Bill referred to the Committee on Welfare in concurrence.

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Reenactment of Law Dealing with Unexpended Appropriations" (S. P. 190) (L. D. 491)

Report of the Committee on Banks and Banking reporting same on Bill "An Act Authorizing Savings Banks, Loan and Building Associations and Trust Companies to Make Mortgage Loans under the Servicemen's Readjustment Act of 1944" (S. P. 47) (L. D. 11)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Recording of Certificates of Incorporation" (S. P. 138) (L. D. 343)

Report of same Committee reporting same on Bill "An Act re-

lating to Admission to Practice Law" (S. P. 201) (L. D. 483)

Came from the Senate the Reports read and adopted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

### Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act to Promote Proper Recording and Education Concerning Vital Statistics" (S. P. 117) (L. D. 226) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate the Report read and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A".

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

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

Committee Amendment "A" to S. P. 117, L. D. 226, Bill "An Act To Promote Proper Recording and Education Concerning Vital Statistics."

Amend said bill by striking out in Sec. 61-A, in the 3rd line thereof, the underlined figure "10", and inserting in place thereof the underlined figure '60'.

And further amend said bill by striking out in the 4th and 5th lines of said Sec. 61-A, the underlined words "or a baptismal record containing like information".

And further amend said bill by striking out in Sec. 61-B, in the 6th line thereof, the underlined words "or baptism"; and by striking out in the same line the underlined figure "10", and inserting in place thereof the underlined figure '60'.

And further amend said bill by striking out in Sec. 61-D, in the 2nd and 3rd lines thereof, the underlined words "penalty or forfeiture has been incurred by reason of refusal or unreasonable neglect", and inserting in place thereof the underlined words "parent or guardian has unreasonably refused or neglected".

Committee Amendment "A" was adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Non-Concurrent Matter  
Tabled**

Resolve Authorizing Kennebec Towage Company to Bring Suit at Law Against the State of Maine (H. P. 331) (L. D. 146) which was passed to be engrossed as amended by House Amendment "A" in the House on March 1st in non-concurrence.

Came from the Senate that body insisting on its former action whereby the Resolve was passed to be engrossed without amendment and asking for a Committee of Conference.

(In the House, on motion by Miss Deering of Bath, tabled pending further consideration.)

**Order**

On motion by Mr. Jordan of South Portland, it was

ORDERED, that the Commissioner of Education prepare a list of all the municipalities in the State together with the approximate amount which each municipality will receive under that provision of L. D. 901 which provides for the distribution of the budgetary balance upon the gradation by the tax rate for school purposes of each municipality. Such computations shall be based on an assumed total appropriation of \$2,019,000. for teaching position subsidies. Said list when prepared shall be transmitted to the Clerk of the House.

**House Reports of Committees  
Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 960) (L. D. 546)

Report was signed by the following members:

Messrs. DOW of Oxford  
DUNBAR of Washington  
Miss CLOUGH of Penobscot  
—of the Senate.  
Messrs. PERKINS of Boothbay Harbor  
WILLIAMS of Auburn  
WARD of Millinocket  
HASKELL of Portland  
CONNELLAN of Portland  
PEIRCE of Augusta  
—of the House.

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

Report was signed by the following member:

Mr. PASCUCCI of Sanford  
—of the House.

(On motion by Mr. Jalbert of Lewiston, the two reports, with accompanying papers, were tabled pending acceptance of either report, and specially assigned for Thursday, March 15th)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Date of General Elections" (H. P. 954) (L. D. 544)

Report was signed by the following members:

Messrs. DOW of Oxford  
DUNBAR of Washington  
Miss CLOUGH of Penobscot  
—of the Senate.  
Messrs. PERKINS of Boothbay Harbor  
WILLIAMS of Auburn  
WARD of Millinocket  
HASKELL of Portland  
CONNELLAN of Portland  
PEIRCE of Augusta  
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**Ought to Pass in New Draft**

Mr. Connellan from the Committee on Judiciary on Bill "An Act relating to the Presque Isle Municipal Court" (H. P. 519) (L. D. 205) reported same in a new draft (H. P. 1330) under same title and that it "Ought to pass"

Mr. Peirce from same Committee on Bill "An Act relating to the Caribou Municipal Court" (H. P. 522) (L. D. 207) reported same in

a new draft (H. P. 1331) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

#### Ought to Pass Printed Bills

Mr. Southard from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act relating to Cash Reserve in Trust and Banking Companies" (H. P. 202) (L. D. 88)

Mr. Thompson from same Committee reported same on Bill "An Act relating to the Regulation of Loans in Trust Companies" (H. P. 201) (L. D. 89)

Reports were read and accepted and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

#### Ought to Pass with Committee Amendment

Mr. Rollins from the Committee on Banks and Banking on Bill "An Act to Regulate Trust Investments" (H. P. 183) (L. D. 63) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 183, L. D. 63, Bill "An Act to Regulate Trust Investments."

Amend said bill by adding the underlined word "properly" after the underlined word "property" in the 18th line of said bill (17th line of bill as printed).

Committee Amendment "A" was adopted and tomorrow assigned for third reading of the Bill.

#### First Reading of Printed Bill

Bill "An Act Amending the Charter of the City of Waterville" (H. P. 1329) (L. D. 976)

Bill was read twice and tomorrow assigned.

The SPEAKER: At this time the Chair recognizes the gentlewoman from Bath, Miss Deering, and appoints her Speaker pro tempore, and asks the Assistant Sergeant-at-

Arms to conduct her to the rostrum.

Thereupon, the Assistant Sergeant-at-Arms conducted Miss Deering to the rostrum, where she assumed the Chair amid the applause of the House, the members rising, and Speaker Barnes retired.

#### Passed to be Engrossed

Bill "An Act relative to Game Preserves" (S. P. 112) (L. D. 229)

Bill "An Act to Grant a New Charter to the city of Old Town" (H. P. 336) (L. D. 158)

Bill "An Act to Amend the Portland City Charter" (H. P. 828) (L. D. 443)

Bill "An Act to Provide for the Payment of Expenses Incurred by the Maine State Office Building Authority and the Building Commission" (H. P. 1325) (L. D. 973)

Bill "An Act relating to the Packing of Sardines" (H. P. 1326) (L. D. 974)

Resolve relating to Old Bay Bridge Road in the county of Sagadahoc (S. P. 282) (L. D. 728)

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

#### Amended Bills

Bill "An Act to Incorporate City of Old Town Municipal Building District" (H. P. 334) (L. D. 148)

Bill "An Act to Incorporate City of Old Town High School District" (H. P. 335) (L. D. 149)

Bill "An Act Concerning Liens of Factors upon Merchandise or the Proceeds thereof, and the Assignment of Accounts Receivable" (Title changed to "An Act Concerning Liens of Factors upon Merchandise or the Proceeds thereof") (H. P. 523) (L. D. 208)

Bill "An Act to Provide a Town Manager Form of Government for the town of Brownville, in the county of Piscataquis" (H. P. 658) (L. D. 319)

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.

At this point Speaker Barnes assumed the Chair, and Miss Deering

was conducted to her seat by the Assistant Sergeant-at-Arms, amid the applause of the House.

**Passed to Be Enacted  
Emergency Measure**

An Act to Amend the Houlton Town Manager Form of Government Act (S. P. 180) (L. D. 382)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act relating to the Assessment and Collection of State, County and Forestry District Taxes in the Unorganized Territory (H. P. 446) (L. D. 173)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Provide a Town Manager Form of Government for the town of Van Buren (H. P. 529) (L. D. 210)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Provide a Town Council and Manager Form of Government for the town of Fort Kent, in the county of Aroostook (H. P. 655) (L. D. 265)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Amend the Charter of the Town of Fort Fairfield (H. P. 732) (L. D. 401)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act relating to Duties of Clerks of Courts and Registers of Deeds in Judgment in Real Actions (H. P. 812) (L. D. 420)

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

**Orders of the Day**

On motion by Miss Longstaff of Crystal, House Rule 25 was suspended for the remainder of today's session.

On motion by Mr. Carpenter of Augusta, the House voted to take from the table the 17th tabled and unassigned matter, "An Act Increasing the Salaries of the Members of the Industrial Accident Commission." (H. P. 20) (L. D. 9) tabled on March 1st by that gentleman pending enactment.

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

Mr. CARPENTER: Mr. Speaker, I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Carpenter, moves that this bill be indefinitely postponed.

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

Mr. CARPENTER: Mr. Speaker and Members of the 92nd Legislature: It is our unpleasant duty this morning to have to consider a bill that I wish we did not have to consider. Salaries are a touchy subject. At this point I want to give a bow to the Salaries and Fees Committee. They certainly have a tough job. I wish that everybody in the State of Maine could know what a job these men have to do.

This bill is so important to the taxpayers of the State of Maine that I think we should turn to it—Legislative Document No. 9—it is right in the front of the book. I will ask your indulgence to let me read it, so we will all know what we are talking about.

“An Act Increasing the Salaries of the Members of the Industrial Accident Commission.

“Be it enacted by the People of the State of Maine, as follows:

“R. S., c. 26, Sec. 29, amended. The 3rd paragraph of section 29 of chapter 26 of the revised statutes is hereby amended to read as follows:

“The chairman shall receive a salary of”—let us go to the amendment, Committee Amendment “A”: “Amend said bill by substituting for the underlined figures \$6500 in the fourth line thereof the underlined figures \$6000. Further amend said bill by substituting for the underlined figures \$6000 in the fifth line thereof the underlined figures \$5500.

The Commissioner of Labor and Industry in addition to his salary as such shall receive for his services as a member of the Industrial Accident Commission \$1000 per year. The members of the Commission shall also receive their actual necessary cash expenses while away from their office on official business of the commission.”

I tabled this bill last Thursday to give the members of the House an opportunity to contact their constituents over the week-end, to learn how they felt about these raises in the higher salary brackets. I do not know what you learned, but some of my constituents have asked me if the 92nd Legislature had nothing better to do than to raise salaries.

This particular bill, L. D. 9, asks for an exorbitant raise in the sal-

aries of the Industrial Accident Commission—a raise of 37½%. Just figure that—37½%! Do you realize, fellow members of the Legislature, this is a raise to each and every commissioner of \$1500 a year, and that the total cost to the taxpayers, in this one bill alone, will amount to \$4500 every year. If any individual or private corporation should attempt anything like this, the War Manpower Commission would have such individual or the President and Directors of such corporation behind iron bars before you could say Jack Robinson. I do not know what the Internal Revenue Department would do—probably they would have them drawn and quartered.

Anyone getting \$4,000 a year is not getting hurt; but, on top of this, the Commissioners have their expenses paid when they are out of town, which further increases their salary. Furthermore, the taxpayers match dollar for dollar with what the Commissioners put into the Retirement Fund if they are still employed by the state at the age of retirement, thus building up a very tidy pension.

We are engaged in the greatest war this country has ever known. Even now veterans are returning to us for aid, and, when this war is over, we shall be engaged in the greatest reconstruction period this country has ever known, which will severely tax all our resources. So why should we raise the salaries of already adequately paid personnel, salaries which we know will never be reduced when this emergency is over? Those salaries will always be there for you, your sons and your grandsons to pay. The State seldom loses any men in these higher bracket positions.

Now if we are going to raise salaries, let us do it where it is most needed, namely in the lower brackets. You can ask any departmental head and he will tell you he is losing employees all the time in these lower brackets. Why? Because these people are offered better pay elsewhere. But, as I pointed out before, it rarely happens in the higher brackets.

Ladies and Gentlemen of the Legislature: Do you realize that this bill asks for a raise, to each and every commissioner, of \$28.85 a week for each and every one of the fifty-two weeks in the year. Why, that is more than many people get for a whole week's income.

The House Chairman of the Salaries and Fees Committee tells me this bill is going to be used as a test bill—and you will note none of these other salary raise bills have come up since this bill was tabled. They want—and rightly, I think—to know what our reaction is towards the start of this raid on the State Treasury. This bill is a trial balloon—it is No. 9, one of the first ones to come out, one of the first ones in the hopper—there is no question about it.

As I look at it, the salaries of the commissioners in the State House family are very, very delicately adjusted, and it has taken years to work them out—I suppose by trial and error—I do not know how else it could be worked out. Now if we upset this delicate balance, here is what is going to happen: Commissioner "A" asks for a raise in salary, and Commissioner "B" says, "Well, Department "A" is not any more important than my department—I do not think it is perhaps quite as important—but if Commissioner "A" is going to get a raise in salary I have got to have a raise in salary."

Now you may think that sounds fanciful, but here is something that actually happened Monday. One of the commissioners was downtown talking with a friend of mine and a friend of his. This friend of mine said to the commissioner: "I see you have a bill in the Legislature for a raise in salary." The commissioner said, "Yes, I have." "Well," this friend of mine said, "Do you really need it? Do you really want it?" "Well," the commissioner said, "no, I do not think I really need it; I am getting along all right; but the commissioner in Department "X" has put in for a raise in salary. My department is certainly just as important as his is. I have got to keep my chin up; I have got to have as much as that fellow or a little more." That is an actual fact.

So, when we vote on this bill, Legislative Document No. 9, let us remember that we are not voting on this bill alone but also on the countless other bills that are to follow. You know and I know that our constituents at home, the people who showed their confidence and trust in us by electing us and who, in the last analysis, are the ones to whom we have to account, and who will have to pay these salaries,

would not approve of these uncalled-for expenditures. And, ladies and gentlemen of the Legislature, we shall all have to answer to them, the taxpayers.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker and Members of the House: The question of salaries is always an important one before any Legislature, but the difficulties encountered during the past few months relative to the successful completion of the personnel of this Commission would seem to me to substantiate the fact that this particular increase is justified.

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

Mr. BOYKER: Mr. Speaker and Members of the House: I wish to say I am opposed to raising the salaries of the Industrial Accident Commission members, all of whom are already receiving sufficient salaries to allow them a sumptuous living and to lay aside a certain portion of this world's goods. I am opposed to raising those salaries when the aged schoolteachers of our State come here to this Legislature and before our Committee on Education testify that they have hemmed and rehemmed their skirts for the past seven years in order to save enough to keep even the breath of life in their bodies.

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

Mr. BREWER: Mr. Speaker, there is a long story that goes with this request for an increase in salary for the Industrial Accident Commission. To those of you who are not familiar with the set-up, I want to say that for some time, until recently, this Commission was inactive, because one of the members had been appointed to the bench, another one of the members was incapacitated, in very poor health, and it left one man, who was unable to carry on the work. There are today at least 300 cases pending before this Commission and which must be acted upon. In event they are not acted upon, the man who will receive all the criticism is our Governor. Upon him, even though he may not be entirely responsible, rests the responsibility of whether this work shall be carried on satisfactorily or not carried on satisfactorily.



Now when this appointment came up to fill Mr. Russell's place, who took another job, they looked around for a man whom they thought might fill the position. Even at the salary which the gentleman from Augusta, Mr. Carpenter, tells you is way up in the thousands, I know of at least two very able lawyers who were contacted and said they did not either feel qualified or interested in the job.

It happened that in this particular case the job went out to seek the man. It so happened that the man the job sought happened to come from Aroostook County. He previously had set upon this Commission, but, due to the requirements of the job, the time necessary to put in on it, and his distance from home, he left this Commission some years ago. But he was very valuable, and I will tell you why. With the years of experience that he had had, they figured that he could take care of a few more cases a day than any new man you could hope to put on. He felt that he was possibly doing a service to the State, and he was led to believe that this job would pay more money. I will say right here, that even at the increase to \$6000, this man is not interested in the job even now, but he finally condescended to take the job to help out, so to speak.

Now the gentleman from Augusta, Mr. Carpenter, is amazed at the \$1500 increase, but we in our town, having him for a municipal judge, felt that he was worth that increase to us this year, and we had a bill in to increase his salary to that extent. As I say, it does not seem out of line.

When this increase in salary for the Commission came before our committee, I think I am right in the assumption that the labor people, who in a good many cases the Commission represent, felt that these men were not drawing any too much money.

I also feel that each one of these raises should be considered separately. You cannot lay down any firm or fast rule. I feel that you have heads of departments here who are over-paid; I also feel you have heads of departments who are under-paid; but I do know that you have certain men that if you do not increase their salaries you are going to be looking for new men.

By the way, while I think of it, although the gentleman from Augusta, Mr. Carpenter, has intimated this is a test case before the Salaries and Fees Committee, any members whom I have contacted do not look upon it as such, although it probably will have a bearing upon what we do in the future.

But I feel the time has come when you have got to keep good men on their jobs, and unless you increase some of them you will have to fill their places with an inferior type of man.

Remember another thing: These men can cost you money or they can save you money. In an industrial set-up, if you cannot make nine dollars for the company for every dollar you make for yourself, you are not considered. And, gentlemen, I submit to you that the job has sought this man; he does not feel he is being overpaid; and it needs a highly-specialized man. I hope you will consider well before you decide not to give the increase.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, as a member of the Salaries and Fees Committee, I had the privilege of listening to the evidence submitted to our committee on this request. I think that the members of this house should understand, first, that the expenses of this Commission, amounting to \$40,600, were paid for by the income derived from a tax upon compensation insurance policies, which amounted to \$67,827 for the last fiscal year. In other words, the insurance companies not only paid the expenses of this Commission but gave you \$27,000 in addition.

I think it is also essential that you consider that there are 150,000 workers in this State who depend upon that commission for fair adjudication of their claims. The companies, the employers, and the insurance companies, you can be assured, will be represented with high-priced men before that commission, and, if justice is going to accrue to these 150,000 citizens, I believe you want to put a price-tag on the job that will be commensurate with the men that management will put up there to oppose them. And I think in voting with the gentleman from Augusta (Mr. Carpenter) you are telling these

150,000 people that we are doing our best to stymie justice when they come before that commission.

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

Mr. PAYSON: Mr. Speaker, I would like to go on with the discussion of the merits of this measure which were not discussed by the opponents today.

As I introduced this bill, I am vitally interested in it. I am willing to say to my constituents in Portland — if I have any — that I have nothing better to do in this Legislature than to raise these salaries if I can get it done, and I am willing to stand on that basis.

The only body working for the State of Maine today comparable to the Industrial Accident Commission is the Public Utilities Commission, and they get \$6000 a year right now, all of them.

If the members of the House will bear with me, I would like to tell you a little bit about what the Industrial Accident Commission does, because their duties and functions are not too well understood. I happen to be familiar with them, because the City of Portland is a self-insurer under Workmens Compensation, and I handle that business before the Commission for the city.

As the gentleman from Bangor, Mr. Haskell, has outlined briefly, when a man gets hurt, his employer or the insurance carrier may owe him certain money. Under the law before the Workmens Compensation Act, if a laborer got hurt the company had all kinds of defences—if a fellow servant, another employee was negligent, they had a defence; if the employee himself was negligent, they had a defence; if there was a risk involved in the job, they had a defence; and, in many cases the employees were shut out.

Under the Workmens Compensation Act, if a man is hurt while he is doing his work he is entitled to compensation, but all he can get is \$21 a week or two-thirds of his average salary—\$21 a week is the maximum amount. You can see very readily that the laboring man cannot afford to go out and hire a lawyer to present his case before the Industrial Accident Commission. He has got to come in and trust to the other side and in the brains and ability of the member of the Industrial Accident Commission who

is hearing the case, to take care of him.

A member of the Industrial Accident Commission has got one of the toughest jobs in the State. I believe his position is equal in importance with that of a Justice of the Superior Court. A million and a half dollars a year goes through the hands of the commission to the laborers of the State of Maine.

Here is an experience that I have had—and it will show you just what the Industrial Accident Commission is up against. One of our employees had a coronary thrombosis while working at the airport. He was lifting on a truck and had this heart attack. I did not believe that coronary thrombosis was an industrial accident, but we took it to the Industrial Accident Commission and I hired the best doctor in Portland on that type of disease. He testified in effect that coronary thrombosis is the lodging of a clot of blood in a narrowed artery. He testified in effect that a sudden exertion would cause the blood to be forced more freely through the artery, and, theoretically, there would be less likelihood of a clot of blood lodging in an artery and causing coronary thrombosis. The Industrial Accident Commission said, "Doctor, if you had a man with heart trouble, would you tell him to go out and saw wood or would you put him to bed?" The doctor said, "I would put him to bed." And the commissioner granted the compensation.

Now there are all sorts of cases of that type where the laboring man cannot afford to hire lawyers to take care of him, and the commissioners are the only ones who will take care of him. Now we want men who have got brains enough to do a job for us, men who know their business, so their decisions will be fair and reasonable.

I think that one of the most important things that this Legislature can do is to put this salary up where it belongs. The reason that I put this bill in was not at the request of the Industrial Accident Commission. It was when I found that my friend, Earle Russell, was going to resign from this Commission, that he was forced to resign from the Commission because he could not hold the job at \$4000 and support his wife and family. He was a man worth so

much more than \$4000 that it was not even funny. You cannot get good men for \$4000 or \$4500 a year. You are going to raise that salary or you are going to have an incompetent on that job.

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

Mr. DOWNS: Mr. Speaker and Members of the House: I hesitate to inject myself into this discussion this morning, but it is my duty as a member of the Committee on Salaries and Fees to try, in my feeble way, to explain to you why we took the action that we did on this matter.

At the outset I want to make this point clear to you: I may have misunderstood the remarks of my esteemed friend, the gentleman from Augusta (Mr. Carpenter)—and if I did misunderstand him, I am willing to stand corrected—but I understood him to say that the House Chairman of the Salaries and Fees Committee said to him that this would be a test case. If he so understood me, it was not what I intended to say. What I intended to say was that we did not intend it as a test case or that we were setting up a precedent in any manner or form, neither were we setting up a standard by which we should fix other salaries which were brought to our consideration.

I would like to say to you at this time that the Committee on Salaries and Fees has about three hundred matters to consider. This was among the first which we considered in the early part of the session and one of the first measures reported out by the Committee because of the fact that we were informed that an emergency existed. A man, and a good man, had been serving on that Commission at a salary of \$4,000 per year, but there was also a vacancy in a judgeship in this State, and the Chief Executive, recognizing this man's ability, appointed him to such judgeship at a salary of \$7,500 a year. I submit to you that it is possible that his service was as valuable on the Industrial Accident Commission as it will be to the State of Maine as a Judge, and nobody questions his ability or his fitness as a Judge.

My esteemed friend from Portland, Mr. Payson, has made this Commission comparable with the

Public Utilities Commission, and I think he has well said that. I am going a step farther and I am going to say to you that this Commission is comparable with our Superior Court, and the Judges of our Superior Court receive \$7,500 per annum.

Now in accordance with the Workmen's Compensation Act, the members of this Commission of necessity must be attorneys. That is nothing against them. (Laughter) They must have a knowledge of law; they must also have a knowledge of medicine. In the case which Representative Payson referred to, had not that member of the Commission had a knowledge of diseases, he might not have known what a coronary occlusion or thrombosis meant and upon the testimony of a medical man who was an authority upon such matters he might have given an adverse decision which would have been not only an injustice but perhaps very injurious to the party who was before that Commission.

In consequence, I say to you that the members of this Commission stand between the employer and the employee. They must also dispense justice as they see it. I think you will agree with me that the court goes no farther than that; perhaps not quite as far, because the court has a jury to determine the facts; and the court rules wholly upon the question of law.

The salaries of the Industrial Accident Commissioners were set in 1929. Since that time, to my knowledge, there has been no change. I will submit to you that there has been a lot of water go over the dam since 1929. There have been a lot of industrial changes. Let us see how that did affect this Commission. Why, in 1929, the Commission heard about fifteen thousand cases. There were about twelve hundred that year which were contested cases. It is very probable, at that time, that four thousand dollars, with the price of commodities then, was a fair salary.

Now at the present time, they considered 28,000 cases last year and had two thousand hearings. Does that mean anything to you? At the time this salary was set, in 1929, there was no Federal tax, which I am saying to you is no small tax, as you members of the Legislature will know, when you will receive your check tomorrow.

I said to you a few minutes ago

that this Commission was comparable with our Superior Court. I believe I am right. Appeals taken from the Industrial Accident Commission go directly to the Law Court for adjudication. In ten years' time, taking into consideration the number of cases they have considered in ten years, twenty-three appeals were taken to the Law Courts, and in sixteen of those cases the Law Court upheld the decision of the Commission.

My esteemed friend from Augusta (Mr. Carpenter) has told you that we were answerable to our constituents, and we are. In the space of time which it has been my privilege to serve in this House, I have held that vision before me, that I was answerable to my constituents.

Some of you who have served with me on the Committee on Salaries and Fees remember that I have always tried to be at least conservative in the granting of increases in salaries, but I believe the laborer is worthy of his hire; I believe justice should prevail in the higher brackets just the same as in the lower brackets, and to that end I have always worked.

My esteemed friend also refers to the pensions which they will receive upon retirement. It is only fair to remind you that those pensions have been quite largely built up from their own contributions.

We are not here this morning to consider raises of salary in the lower brackets, but I think my action of four years ago is quite plain in the memory of some of the members of the House, and I assure you that if that was the question under consideration this morning, I wish that it might be possible for me to have more forcible argument than I have got this morning because I would want to use it in their behalf, and I assure you that, if the time ever comes when I can use my voice in getting an increase for employees that we speak of as being in the lower brackets, I shall consider that a privilege and it will certainly be a pleasure.

I want to say to the members of this House again that there was no thought in the minds of your committee, in considering this matter, that we were setting any precedent or establishing any standard of measurement by which we could have fixed the salary of any one of the applicants who were before our committee.

Ladies and Gentlemen, I do not believe it is necessary for me to go on any farther in extolling the merits of the men on the Industrial Accident Commission. Your committee believed it was their duty to make a salary which would attract the man. I want to submit to you that we can fill that office. The office could be filled to overflowing. I do not have any doubt but what it could be filled to overflowing if you put the salary at \$2,000 or \$1,500, but I submit to you, we men who walk in the humble walks of life, who deal with small salaries, know that today you cannot hire a \$10 man for a \$5 pay. I thank you.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: It is with sincere regret that I cannot support my very capable and honest colleague on this question today. I feel that the one conclusion that we can draw after studying the operations of the various state administrative departments is that we are getting just what we are paying for.

One point that has not been brought out in the argument today is that there are now before this House three bills on the same subject which would undoubtedly increase substantially the work of the Industrial Accident Commission if passed. I refer to two bills which would include occupational diseases under the Workmens Compensation Law.

I feel that Augusta is not unanimous in opposing this bill. Evidently my colleague and I are representing different sides of the track this morning. Therefore, I feel compelled to support the bill for salary increases.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker, I hesitate to speak on this subject, being a new member in the House, but, at the same time, being a member of the Salaries and Fees Committee, I feel it is my duty to uphold the position that the committee took. I believe also that the people of the State of Maine want to see a well-managed state, and, in the management of the state we have the heads of our departments and our various commissions. We want those to be of the very highest

type that are obtainable within our limits in the State of Maine. I believe the recommendation of the Salaries and Fees Committee was sound. When you get ten men together, you are bound to have disagreements in opinion and you are bound to get both sides of the question. I believe, however, that these ten men, sitting around the table, exercising their best judgment, really can give a decision that should be valuable to the members of the House. I think that you should consider well before voting to indefinitely postpone this bill.

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

Mr. BOWKER: Mr. Speaker, I ask for a division when the vote is taken.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Carpenter, to indefinitely postpone "An Act Increasing the Salaries of the Members of the Industrial Accident Commission." (H. P. 20) (L. D. 9)

The gentleman from Portland, Mr. Bowker, has asked for a division.

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

Mr. ROLLINS: Mr. Speaker, I hate to rise in opposition to the judgment of the able Salaries and Fees Committee. I am very proud that my colleague, Representative Downs, says this is no test case. I have faith in the Salaries and Fees Committee; I believe they are able men, and I believe that they judge each and every case before them on its own merits; but I cannot go along with this exorbitant increase in salary.

They say it is hard to get a man to do the job; they compare it to the Public Utilities Commission; they compare it to the courts. I have served in this House for several sessions. Salary matters are always a paramount issue. We have seen raises upon raises. At one time during the past twelve years we thought the only indispensable man in the world was in Washington, but it has come to my attention that there are many of them in the State of Maine among the department heads. Each man feels that he is indispensable; each one feels that his department is the most important to the health and welfare of the State of Maine, and

they try to build it up and increase its importance and sell the idea to the members of this Legislature.

I would just like to leave a thought with the members of this House. We have some 80,000 boys in the service. They are soon to return, we hope very soon, many of them. Many of us passed through the last war and passed through the intervening years. We did not find great, big wages, and we know that even now there won't be any great, big wages after this war; even with the big development of Portland, we cannot produce big wages for the whole State of Maine. Our boys are coming back, and they are going to be asked to work for fifteen, eighteen or twenty dollars a week, and here you are, asking for a twenty-eight dollars a week increase over a real decent salary even now. Our boys are going to work at small wages to pay these salaries as long as they shall live. Their sons are going to continue to work at small wages, for which the State of Maine is noted, to pay the pensions for these same salaries.

They say the men are not available for the job. I would like to leave this thought with you. We have many men in the armed services today, many of them coming from Augusta, Majors and Colonels in the Judge Advocates Division. They will all come back to Maine, and many of them would like a job, and they won't have to have \$6000.

I hope the motion of the gentleman from Augusta (Mr. Carpenter), prevails.

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

Mr. BOYKER: Mr. Speaker, it seems to me there is a principle involved in this matter before us at this time other than the raising of salaries. I believe in the raising of salaries when the demand comes.

Now my friend from Portland, Mr. Payson, has said that we are this morning faced with an ultimatum from the Chairman of the Industrial Accident Commission: "Raise my salary or take the job."

I want to refer to an incident which occurred at the first session of the 91st Legislature, of which I was a member, and which has a direct bearing on the matter before us. A bill was being discussed on the floor of the House when word came to an officer of that House

from someone higher up — to use his own words — “to see that the bill did not pass.”

No person from higher up is going to tell me how to cast my vote when I am here to cast that vote in the interests of the citizens of my district in the State of Maine. And, Mr. Speaker, if it is our purpose to come here and to sit down and o. k. matters referred to us by persons outside this building and take our orders from someone higher up, then, in all sincerity, I move you that we raise the wages of the janitor of this building, let him do the okeying, and we return to our several homes, because when such conditions arise, representative government is at an end.

Longfellow wrote: “Turn the pages of the year that has gone, the good and the bad; close the book and place it in the hands of God.” Ere long we shall close the book containing the record of the 92nd Legislature and place it in the hands of God. I want that record to show that we did as we would like to do.

Mr. Speaker and Members of the House: We are assembled here as keepers of the public fund. Let us not falter in our pledge.

I hope the motion of the gentleman from Augusta, Mr. Carpenter, to indefinitely postpone this bill, will prevail.

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

Miss DEERING: Mr. Speaker and Members of the House: To a great many people, this bill is comparatively new. I think most of the interest created has been created in the last two or three days. It provides for a salary increase for one man, a very high type of man, who realizes that he will accept a very responsible position.

As has already been stated, it will be of the utmost importance to the workmen of the State. I doubt if that gentleman will hold up the work of that commission, whether this salary goes into effect or not.

Out of fairness to that gentleman, out of fairness to our other employees who are in the so-called lower brackets, I think it would be well if we could all have a few more days in which to study this proposal. At the present time it is impossible for us to raise the salaries of our State House employees.

I think that that matter should be studied, and I think that their case should be taken up. I therefore move that this bill be tabled, so that we may have more time in which to look into all the merits.

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves that this bill be tabled. All those in favor will say aye; those opposed no.

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

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Carpenter, that the bill be indefinitely postponed.

Mr. KNIGHT of Clinton: Mr. Speaker—

The SPEAKER: The Chair will state that a vote in favor of the gentleman's motion—and I say this for the new members of the House—is a vote to kill the bill.

Now the Chair recognizes the gentleman from Clinton, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, as a new member of the House, I presume it would be well for me to keep still, but, to the discussion that we have had on this bill I want to add just one thing.

I am a representative of a farmers' organization with over three thousand membership in the State of Maine and over seven thousand in New England, and I have for years been on the executive board. Some of the members used to say we were paying our manager too much. We paid him a salary of \$5,000. Today he is getting a salary of \$10,000 and nobody among the producers of that organization thinks he is getting too much, and he is a very capable man.

As I understand, our Industrial Accident Commission will be made up of men that are capable, and there is no doubt, as has been brought to our attention, that the Industrial Accident Commission is turning back a great deal more into the State Treasury than they are receiving.

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

Mr. CARPENTER: Mr. Speaker, there must be a difference of information. I talked with the State Controller yesterday on this question of the Industrial Accident Commission, whether it was a self-sustaining proposition, and he told

me that the Industrial Accident Commission merely sold a few pamphlets or books at a profit of something like \$200 a year. There is a tax on every policy, fire insurance policy and industrial accident policy; it is collected by the Insurance Department, and whether we had an Industrial Accident Commission or not, we would still collect that tax. I said to the State Controller: "If we did not have any Industrial Accident Commission, wouldn't that tax be assessed just the same?" And he said, "Yes." That tax is not primarily earmarked for the Industrial Accident Commission. He said, "I cannot give you the figure on what they get."

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

Mr. PAYSON: Mr. Speaker, I would like to clarify the last point which the gentleman from Augusta (Mr. Carpenter) has raised.

If you had no Industrial Accident Commission you would have no Workmens Compensation Act; if you had no Workmens Compensation Act you would have no policies issued under that act; and if you had no policies you would have no premium tax; but you do have a Workmens Compensation Act; you do have this type of insurance, and you have to have an Industrial Accident Commission to accomplish it—and that tax produced \$66,827 in 1943.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Carpenter, to indefinitely postpone this bill.

The gentleman from Portland, Mr. Bowker, asks for a division.

The Chair recognizes the gentleman from Poland, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House: I am a new member and probably should not be on the floor, but I do represent a class of people in the smaller brackets as far as salaries are concerned, and I know that my people are very much concerned in regard to the proposed raises in salaries, one of which is indicated here.

I would like to call attention to the fact that one of the speakers has said that the last salary increase on the Industrial Accident Commission was in 1929, and that no change had been made since that time.

I think in the matter of salary increases we should consider that part of the argument against salary increases is that they are never changed.

I do not think there is anybody who would care to argue that if the salaries of any heads of departments of the State of Maine have not been decreased from 1931 to 1940 there is any chance of their ever being increased in the next ten years, because there have been all kinds of reasons for decreasing salaries during this depression period that were increased in 1929 when there was nothing like a depression period prevailing.

Some of us have been led to believe that this particular salary increase was a test case, or practically a test case—although we have just heard something to the contrary—but I believe that is what we have felt, and I believe that is the reason why some of us have felt that the only way of giving our remonstrance to the general subject of increased salaries was the method which the gentlemen took who proposed the motion of the morning.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker and Members of the House: I am interested in this matter as a member of the Salaries and Fees Committee, and I am also interested in it because I come from a town which is known as a "one industry" town, and we are vitally interested in that town in the Industrial Accident Commission and who serves on it.

Now much has been said that this is a test case on the matter of salaries. I wish to call your attention to the fact that yesterday the Governor signed at least twelve salary measures which have already passed both branches and have been enacted into law.

There has been comment that nothing has been done in regard to the salary of the Industrial Accident Commissioner since 1929. That is not quite correct. In 1929, when the Legislature saw fit to place the salary at \$4000, they did so knowing at that time that that was the net amount of money which the Industrial Accident Commissioners would receive. At the present time, assuming that a member of the Industrial Accident

Commission is married and has no dependents, he is getting a net salary of \$3369. Assuming further that you increase this salary to \$5500, his net increase over the salary fixed in 1929 is a matter of twelve and a half per cent, because there will be \$979 taken out from his salary.

Now the gentleman from Augusta, Mr. Carpenter, says that this matter is vital to the taxpayers. I can tell you it is very vital to taxpayers in industrial towns. The type of man that is placed on this Industrial Accident Commission may make the difference of a considerable amount of money in the relief load of a good many of these communities. All the Commissioner has got to do is to muffle the bell in two or three cases and those employees involved have nothing to do but call on the city or town where they reside for relief.

Now our qualifications for a member of the Industrial Accident Commission is a man learned in the law, and any man graduating from law school and having successfully passed the bar examination is considered to be such a person. If this Legislature wants the Executive Department to place that type of man on the Industrial Accident Commission to go out and adjudicate and attempt to protect the interests of the employees of this State, then you will vote in favor of the motion of the gentleman from Augusta (Mr. Carpenter).

I believe that the matter has been amply covered, and I believe this is a very important matter. At the hearing, representatives of employers, representatives of labor, and men who had represented the insurance carriers for a long period of time, all appeared at that hearing, and every one of them urged the passage of the bill, not at \$5500, but at \$6000, and at that hearing there was no person who raised their voice in objection to that increase. The Committee on Salaries and Fees did see fit, after considerable discussion, to reduce that amount by \$500, feeling that that was more consistent at this particular time.

I do hope that the motion of the gentleman from Augusta (Mr. Carpenter) does not prevail.

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

Mr. BROWN: Mr. Speaker and Members of the House; I am not a member of the Salaries and Fees Committee, neither do I represent a section of the State where there are any industries. I represent a section of the State of Maine where there are just ordinary taxpayers; but if I do not do anything worse in this Legislature than to vote for the enactment of this bill, I shall not fear to go back and face my constituents.

I hope the motion of the gentleman from Augusta (Mr. Carpenter) does not prevail.

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

Mr. ROLLINS: Mr. Speaker, I hate to oppose my colleague, the gentleman from Millinocket, Mr. Ward. It strikes me, in the position of a layman, that we have small show against our lawyer members, but I will say this: that I have every confidence in our Executive and in his ability and in his knowledge of the law, so that there is not any danger of him putting a man on that Commission who is just out of law school, just because the requirements are such.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Carpenter, for indefinite postponement of this bill, and the gentleman from Portland, Mr. Bowker, asks for a division.

The Chair will repeat again, for the benefit of the new members, that a yes vote on this motion kills the bill.

All those in favor of the motion of the gentleman from Augusta, Mr. Carpenter, for indefinite postponement of the bill will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. Twenty-two having voted in the affirmative and 94 in the negative, the motion did not prevail.

Thereupon the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

The SPEAKER: If there is no further business, the Clerk will read the notices.

On motion by Mr. Brewer, of Presque Isle,

Adjourned until ten o'clock tomorrow morning.