

# 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

## SENATE

Tuesday, April 17, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to the Salary of the Sheriff of Piscataquis County." (H. P. 738) (L. D. 406)

(In the Senate, on April 12th, "Ought to Pass" report indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action, whereby the bill was passed to be engrossed, and now asking for a Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Messrs: ROLLINS of Greenville  
DOWNS of Rome  
ROSS of Brownville Jct.

In the Senate, on motion by Mr. McKusick of Piscataquis, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

## House Committee Reports

The Committee on Motor Vehicles on Bill "An Act to Promote Public Safety with Snow Removal Equipment." (H. P. 1292) (L. D. 938) reported the same in a new draft (H. P. 1452) (L. D. 1141) under a new title, Bill "An Act to Promote Public Safety with Snow Removal or Sanding Equipment," and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Adjutant-General." (H. P. 672) (L. D. 269) reported the same in a new draft (H. P. 1463) (L. D. 1169) under the same title, and that it ought to pass.

Which reports were severally read and adopted in concurrence, and the bills read once; under suspension of the rules, read a second time and passed to be engrossed in concurrence.

The Committee on Temperance on Bill "An Act Relating to Liquor Licenses for Hotels, Restaurants

and Clubs in Unorganized Territory," (H. P. 860) (L. D. 497) reported that the same ought not to pass, as legislation thereon is inexpedient.

Which report was read and adopted in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to Salaries and Expenses of Members of the State Liquor Commission," (H. P. 999) (L. D. 599) reported the same in a new draft (H. P. 1467) (L. D. 1170) under the same title, and that it ought to pass.

Comes from the House passed to be engrossed as amended by House Amendments "A" and "C".

In the Senate, the report was read and adopted in concurrence and the bill was read once, House Amendment A was read and adopted in concurrence and House Amendment C was read.

Mr. HALL of Franklin: Mr. President, I move the indefinite postponement of House Amendment "C" and in support of that motion I wish to say that the business relating to the Liquor Commission has been increased greatly since 1934. At that time they were doing a \$225,000 business, and at the present time they are doing over a six and a half million dollar business. In 1934 they had charge of eight State stores and now they have forty-three. I do not feel that any member of the Senate or any man would consider the salary contemplated is high for people running a department which is doing that amount of business. Therefore, I move the indefinite postponement of House Amendment "C".

Mr. SMITH of Knox: Mr. President, in further support of that motion, there was a bill in the legislature for expenses of these people and we took it out and then raised the salaries to sort of equalize it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Hall, that House Amendment "C" be indefinitely postponed.

Mr. CROSS of Kennebec: Mr. President and Members of the Senate: I think we should consider carefully this question of indefinite postponement of House Amendment "C". I think we all do realize the Liquor Commission is doing a splendid business at this time. Unfor-

tunately for the state revenue, this is apparently a war condition. I do not think any of us expect the business to enlarge. If it does, it will be but for a short time. When we are back to normal payrolls the liquor business will certainly drop off. I do not think any of us doubt it in the least. As to the mechanics of the work of the Commission, I do not think they are much heavier than in the past. The mere fact that we are getting more money is because the tax has been raised and the dollar volume of the department has risen. The quantity sold is more but the number of places is not much different.

The duties of the Commission are principally administrative and regulatory. I do not believe the volume of business is a fair basis on which to raise the salaries. I think there is no doubt the Chairman of the Commission should get more money than the other members of the Commission as he does do much more work. But I have never yet seen or thought any member of the Commission was particularly overworked except the Chairman, and I think that is true of quite a number of commissions. I think we should give considerable thought as to whether or not House Amendment "C" does not answer sufficiently the demands for more money. We must realize in salary bills, while they do not involve many dollars, still the Appropriations Committee is having difficulty at the present time to fit the amount of revenue to the amount of expenditure. In fact, I think every time we add a thousand dollars of expenditure to the budget it may be the last straw on the camel's back, and it may be some bill will have to go out the window that has more merit than this.

I know all the members of the Commission and I respect their abilities and I do not think they have put great pressure on this bill, and I do think House Amendment "C" is a fair compromise on the bill.

Mr. SMITH: Mr. President, and Members of the Senate: House Amendment "A" as I understand it, allows this to go along for two years only, and I cannot see anything too bad about that.

Mr. CROSS: Mr. President, replying to the Senator from Knox, Senator Smith, I simply point out, as any member of the Senate

knows, this may become an undue stumbling block two years from now. At that time there will be a bill to make it permanent and it will probably pass. The easy thing to say will be, "They have had it two years, let's have it a while longer." I have never liked the two year limitation and never thought it accomplished anything.

Mr. BISHOP of Sagadahoc: Mr. President, I am very reluctant to enter into any further discussion here. However, inasmuch as I did appear before the Committee upon several occasions, and I believe that is one of the requirements in order to defend or defeat a measure, I feel justified in discussing the question here. My first recommendation to that honorable committee was that a ceiling was very much in order on all salaries of state departmental heads.

I suggested a five thousand dollar ceiling. They asked me what I would do with the Public Utilities Commissioners, and I said I felt that a five thousand dollar salary was still sufficient. They wondered what would happen to the present commissioners and I suggested further that they would stay right where they are.

I made two other recommendations to that committee and they are these: If a temporary crisis or an emergency seems to exist make the increase of a temporary nature only. That would be for the two year period. If the increase seems to be of a permanent nature, then have it effective at the beginning of the next term.

I think those two principles are sound and I think that people serving the public have rights that the average executive does not have. They do not have to answer to any bells. They can come and go at will. They do not have to declare any dividends on March 1st or October 1st, or on any other date. They have an unlimited expense account. I feel that there is a certain honor that goes with a state departmental job that does not require perhaps quite the salary that is required by the executive of some big industry. I feel that House Amendment A is very proper. I feel that House Amendment C is also very proper. I hope that the motion of the Senator from Franklin, Senator Hall, does not prevail.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Franklin, Senator Hall, that House Amendment C be indefinitely postponed. Is the Senate ready for the question?

A viva voce vote being had.

The motion to indefinitely postpone House Amendment C prevailed.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment A in non-concurrence.

Sent down for concurrence.

The Committee on Salaries and Fees on Bill 'An Act Relating to the Salary of the Attorney-General,' (H. P. 1214) (L. D. 765) reported the same in a new draft (H. P. 1465) (L. D. 1166) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment A.

In the Senate, the report was read and adopted in concurrence and the bill was read once, House Amendment A was read and adopted in concurrence, and the bill as so amended, under suspension of the rules, was read a second time and passed to be engrossed in concurrence.

The same Committee on Bill "An Act Relating to the Salary of the Commissioner of Labor," (H. P. 1147) (L. D. 793) reported the same in a new draft (H. P. 1468) (L. D. 1171) under the same title and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill read once, House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Education on Bill "An Act Relating to Aid to Academies from State School Fund," (H. P. 936) (L. D. 539) reported the same in a new draft (H. P. 1475) (L. D. 1181) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill was read once, House Amendment A was read and adopted in concurrence, and, under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

Bill "An Act to Regulate the Practice of Architecture and to Create a Board to Provide for the Examination and Registration of Architects," (S. P. 103) (L. D. 178)

(In the Senate on April 10th, passed to be engrossed as amended by Senate Amendment "B".)

Comes from the House, passed to be engrossed as amended by Senate Amendment "B" as amended by House Amendment "A" thereto.

In the Senate, on motion by Mr. Leavitt of Cumberland, the Senate voted to recede from its former action whereby the bill was passed to be engrossed as amended by Senate Amendment B; and on further motion by the same Senator, House Amendment A to Senate Amendment B was read.

Mr. BISHOP of Sagadahoc: Mr. President, I spent quite a few years teaching mathematics and I have made a tremendous effort to analyze this amendment. If someone will explain it to me I will appreciate it. Evidently it is some sort of pro ratio proportion but I can not get it through my head.

Mr. BOUCHER of Androscoggin: Mr. President, is it in order for me to discuss this amendment before the Senate at this time?

The PRESIDENT: The Chair will state it is in order.

Mr. BOUCHER: Mr. President, for the information of the Senator from Sagadahoc, Senator Bishop, this amendment has been offered in the House. I was asked to offer the same amendment but where I had presented amendments several times and I had had to fight it to quite an extent, I felt I should leave it alone. It was brought in at the request of architects from the city of Auburn. They felt no group of architects should have full control of the Board.

The intent of the amendment is that no group of architects should have control of the Board. It is the purpose of the amendment, as I understand it. There are several associations of architects and when the bill was first drawn up there

was only one association of architects mentioned in the bill and it was feared that this association would have control of this Architects' Board to their advantage, and so this amendment was offered so no one group of architects could get control of the Board.

Mr. BISHOP: Mr. President, may I ask that the amendment be read again?

The Secretary read House Amendment "A" to Senate Amendment "B".

Mr. BISHOP: Mr. President, if this is clear to the members of this Senate, then I must be thick-headed. Now it seems to me that the arguments we have heard on this warrant the indefinite postponement of this whole bill and I so move.

Mr. LEAVITT of Cumberland: Mr. President, this bill has been discussed in this legislature for at least four sessions and discussed in this Senate at least twice during the present session of the legislature. The reasons expressed against the bill are some fearful, superstitious reasons, by certain people, apparently. Here is a group of men who are as highly trained as any group of men in the State of Maine. They have a great deal of responsibility, building large buildings and building beautiful buildings in the State of Maine and they ask that whereas they have this responsibility, they be allowed to ask that people who wish to practice architecture and use the name "architect" shall be registered and take an examination to prove they are capable of being registered.

I agree with Senator Bishop that this particular House Amendment "A" which has been sent in from the House appears to be a little bit foolish. However, I have talked it over with the attorney general's office and with other people here, who say it is more or less innocuous despite its wording. It simply says the American Institute of Architects shall not control this board, and if there is a proportion of architects in the State of Maine who do not belong to that institute they shall have proportionate representation on the Board. That is what I understand.

I have tried to run down the prejudice against this bill since I have been here. In fact, I was interested in it four years ago and I can not find any person who has

any definite reason to give as to why this should not go through, except perhaps that they are allergic to boards. This bill has passed the Senate to the engrossing stage. It has passed, as I understand our calendar, the engrossing stage in the House, and I believe we would be taking a retrogressive step if we should out all the work we put on this bill by adopting the motion of the Senator from Sagadahoc, Senator Bishop, and I hope the Senate will go along with me in voting against the Senator's motion.

Mr. SMITH of Knox: Mr. President and members of the Senate, I met Mr. Savage of Augusta the other day, of the firm of Bunker Savage, the architects and he said, "For God's sake give us a break on this bill." And I say, "For God's sake and for Leavitt's sake let's pass the bill." I trust that the motion to indefinitely postpone does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, to indefinitely postpone the bill.

A viva voce vote being doubted.

A division of the Senate was had.

Fifteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the Senate recede from its former action whereby it passed the bill to be engrossed and further recede from its action whereby it adopted Senate Amendment B and concur with the House in the adoption of Senate Amendment B as amended by House Amendment A thereto, and the passage of the bill to be engrossed.

A viva voce vote being doubted.

A division of the Senate was had.

Sixteen voted in the affirmative and sixteen opposed.

The PRESIDENT: The Chair in casting its vote to break the tie, wishes to explain that the Chair will cast its vote in such a direction as would enable the Senate to consider this same subject at some future date and the vote of the Chair does not necessarily reflect the feeling of the Chair on this particular matter.

Thereupon, seventeen having voted in the affirmative and sixteen

opposed, the motion prevailed and the bill as amended by Senate Amendment B as amended by House Amendment A thereto, was passed to be engrossed in concurrence.

#### Senate Committee Report

Mr. Dunbar from the Committee on Federal Relations submitted its Final Report.

Mr. Sterling from the Committee on State Lands and Forest Preservation submitted its Final Report.

Mr. Smith from the Committee on State School for Boys, State School for Girls and State Reformatories, submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

#### Passed to be Engrossed

Bill "An Act to Permit Establishment of Area Schools." (H. P. 938) (L. D. 541)

Which bill was read a second time and passed to be engrossed in concurrence.

#### Orders of the Day

The President laid before the Senate, Joint Order Relative to Public Utilities Commission and Highway Commission to make a Study re Carriers Supplying Freight Transportation in Maine (S. P. 446) tabled by Mr. Hopkins of Kennebec on April 16th pending passage, and today assigned.

Mr. HOPKINS of Kennebec: Mr. President, it was not my intent yesterday, when I introduced this order, that it should influence in any way the action of any Senator on any pending legislation. It was presented at the time because it seemed convenient for the Senate to consider it at that time when we seemed to have time on our hands.

I will say again the purpose of the order is to attempt to discover the cost of transportation. Transportation is a vital element in the economy of the State of Maine and is of interest to every citizen no matter what is his walk in life. If freight can be moved over the highways in much larger amounts than at the present time, under sound economy, of course it should be brought onto the highways in larger amounts, but this brings problems to

the State of Maine which would have to be faced in the near future and we must know full well there is to be a great increase in the number of highways which must be segregated as we are a recreation State and we cannot move pleasure vehicles in large amounts of heavy traffic.

This order simply attempts to bring out certain information on the cost of moving freight by various means. The best interests of the State of Maine require that freight of different classes be moved by those carriers which can do it cheapest, giving due consideration to convenience and speed.

If anybody thinks this order has anything to do with other pending legislation I would be glad to have it tabled. I have no personal interest, except I do think it is needed. I made use of the departments of the State to get the information presented to you yesterday. I think I gave information never before accumulated in systematic order, and it should be of interest to you.

Therefore, I move passage of the order.

The motion prevailed and the order received passage.

Sent down for concurrence.

On motion by Mr. Townsend of Penobscot, the Senate voted to take from the table, Report "A," Ought Not to Pass; Report "B," Ought to pass; from the Committee on Labor on Bill, An Act Establishing Minimum Wages of Labor of Public Works Projects Supported by State Funds (S. P. 320) (L. D. 831) tabled by that Senator on April 10th pending motion by Mr. Hopkins of Kennebec to adopt Report A; and that Senator yielded to the Senator from Kennebec, Mr. Hopkins.

Thereupon, on motion by Mr. Hopkins of Kennebec, the bill and accompanying papers were retabled pending the motion to adopt Report "A."

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Majority Report, "Ought to Pass in New Draft," Minority Report, "Ought Not to Pass" from the Committee on Judiciary, on Resolve Proposing an Amendment to the Constitution Providing for Permanent Sites and Locations of Public Wharves and Port Facilities (S. P. 168) (L. D. 347) tabled

by that Senator on April 11th pending acceptance of either report.

Mr. SPEAR of Cumberland: Mr. President, I move the acceptance of the Majority "Ought to Pass" report of the Committee.

Mr. President and members of the Senate, the resolve before this Senate, to be here voted on, is not the raising of ten and one-half million dollars for the development of wharves and fish-piers in Portland and Rockland; but rather, "Shall the people of Maine have the privilege of expressing their opinion at a special referendum next September, as to whether they believe the economy of the State of Maine will best be served by the State pledging its credit for the building of these facilities?"

Both Portland and Rockland, at the legislative hearing, and later, before the Maine Port of Authority, have demonstrated that the businesses already established in those places warrant expansion, not alone for the benefit they will derive therefrom, but, in a much larger sense, from the common good that will accrue to the State as a whole.

For example, every 10,000 ton ship that unloads her cargo at the facility, and takes on another one to depart for some European or California port; and it is confidently predicted there will be from 80 to 120 — such ships each year — will pay to the Port Authority \$5800 in freight rates, for the privilege of passing the freight over the piers. Yet that same ship will leave in the area \$79,000 more in cash, besides these freight rates, for labor of stevedores and longshoremen, citizens of Maine; for produce for provisioning that ship, raised in large part by the farmers and market-gardeners of Maine; for repairs on that ship, furnished by Maine craftsmen in the shipyards and dry docks, that would otherwise be idle and shut down after this last batch of Liberty ships have been finished by the first of 1946; by the cash paid that ship's crew while in port—which money will be spent and evaporate like the dew before the sun—; for pilotage and brokerage fees, and many another such item.

To argue this Resolve on the basis of whether the state will ultimately get back all of its 10 1-2 millions which it pledges, looks merely at the \$5800 freight which the state collects; and entirely

ignores and loses sight of the other \$79,000 new and fresh money which that same ship puts into the hands of the people of Maine, to be spent, over and over again, in general circulation.

And yet, our best engineers and steamship brokers firmly believe that \$5800 per ship, together with the income from warehousing and permanent dock storage, augmented by the income derived from the Portland and Rockland fish piers, will pay all the running expenses and upkeep of the whole project, and go far toward amortizing the facility over a period of 30 years.

To you, this may seem a dream impossible of realization. You may well be the doubting Thomas—but not too long ago Henry Kaiser told this government what he could do in the building of ships. Nobody believed he could do it. BUT HE DID. He saved this country, in large part, through his foresight and courage.

William S. Newell is Maine's Henry Kaiser, and not a small man by comparison. These figures are his prediction. In his figures he predicts the earnings of the facility will pay off, besides all running expenses and depreciation, \$430,000 a year, of the original cost of the project, so that it may be practically paid for in 30 years.

I say to you, if the facility pays its own running expenses and its depreciation of \$200,000 per year out of that \$5800 per ship, and out of the returns for warehousing, wharfage and from the fish piers—and the general economy of the state gets \$79,999 more cash from every one of those 80 to 120 ships, then the general welfare of the state is getting over eight times as much as the running expenses and maintenance of the facility and that in itself is sufficient reason for the passage of this resolve.

While the state is collecting a million dollars in strict revenue, the citizens of the state are getting over 8 million in cash that goes, not into the state treasury, but into general circulation because we have this development.

We are today turning away six to eight ships per month that we know of, because we haven't the facilities for them; hence it is not a wild dream to believe that we would get seven to ten per month if the ports are developed. And it is but this seven to ten per month



that makes up the expected 80 to 120 ships per year.

Our Governor, in his inaugural address, told this legislature that Maine should wake up and do something constructive to keep our youth in our own state, and not compel them to go to other states to earn their livelihood.

If we have this facility, this money will flow into Maine each year to the extent of over 9 millions of dollars; it will encourage multiple businesses, employ our citizens and returning veterans.

If we do not build this facility, this 9 millions of dollars annually will be lost to Maine; not one of those 80 to 120 ships will tie up here, and Massachusetts will get that cream of 9 millions annually in the blood stream of her circulation, paid for the employment of her citizens.

The passage of this resolve is the only manner in which the people of the state can have a chance to vote upon this question. They cannot, of their own motion, under the Initiative and Referendum, initiate an amendment to the Constitution, which this is. The Attorney General's Department has just now ruled that this is so. Hence, this is the only vehicle upon which this issue can be submitted to them.

Every organic body has to have its heart - a central organ to pump its life blood to its various members and extremities. Yet every bit of blood that passes through that heart goes to the utmost extremities of the body. Just as the body cannot live without its heart, Maine could not live without its Portland and Rockland; nor Massachusetts without its Boston; nor New York without its New York City; nor Pennsylvania without its Philadelphia.

Contrarywise, you can't pour 9 millions annually into Portland and Rockland without its being diffused through all the communities of Maine, from Kittery to Fort Kent, and every small town, even to the smallest plantation in our state.

This question is so momentous that all the people of the state have a vital interest in it. The people of Maine are so awake to it that they want their day in Court, as expressed by their right to vote on it.

Vote for this resolve, and you merely put the question to the voters. There will be the summer in which you as well as they will learn more about the question, and in September decide as the majority wish. With that decision, the proponents of this resolve will cheerfully abide.

When the vote is taken, Mr. President, I ask for a division.

Mr. SAYWARD of York: Mr. President and members of the Senate, I think I want to look at this subject from a little different angle than the Senator has just suggested. I think in discussing the subject of Maine Water Front and Harbor Improvement at Portland, it should be considered from the viewpoint of its importance to the state as a whole, not in relation to any one section or any personal bias.

The facts concerning this proposed development have been freely circulated and we have had a chance to examine these facts in detail.

As a proponent of this bill, I will say that the well known men of Maine who are sponsoring this Port plan are men of action and proven ability with backgrounds of achievement, men whom we know and who were educated in this state, and who are working for the best interest of the state.

A few years ago before the South Portland shipyards were built, I happened to be in the Augusta House one night at a meeting of the State Chamber of Commerce. Mr. Newell was explaining the difficulty he was having in trying to get financiers to help in the plan he had in mind to develop the area for the South Portland shipyards. He said, as I recall that he had gone to New York and was able to raise only \$200,000 which was only a drop in the bucket. He came back and suggested to Walter Wyman that there was a potential chance there of selling electricity, in which Wyman was interested, of course, and he succeeded in convincing Mr. Wyman that it was a good proposition. Mr. Wyman was sitting beside him and he said, "Here is the man here and not I who is responsible for bringing the shipyards to Portland." I do not know whether the figures are correct or not but I understand there was an investment there of ten million dollars. If so it has been a remarkable achievement for the

reason that they have given back to the workers something like five million dollars in the few years they have been operating.

I find business men, big and little, employers and employees from every section of Maine are endorsing this measure, believing it will mean state-wide expansion of business and create more outlets and markets for the many products of our state and more employment for our people.

We should realize that here in Maine we have a potential set up not surpassed by any seaport in the east. Portland has a deep harbor, it is the shortest route to European countries, has facilities for building, repairing, and servicing all types of ocean going craft, adequate land frontage, for development and is but a short distance to the open sea, which is an advantage that very few harbors have. We have the ideal port and should build the water front to be prepared to get our share of world trade which is bound to come.

Now a plan, well thought out, well prepared and well presented, is before this legislature, a plan to provide modern installations to properly handle ocean freight in this, Maine's largest seaport, with a harbor conceded by shipping interests to be the best on the Atlantic Seaboard, a harbor where, I understand, the Federal Government has spent around three million dollars on harbor improvements.

By this bill, we as legislators are asked to give the citizens of Maine a chance to express themselves by voting their approval or disapproval of this proposed port improvement.

I believe the magnitude of the project is such that our people of Maine should have the opportunity of deciding for themselves whether or not in their judgment the constitution of Maine should or should not be amended in this case.

Several years ago I happened to be in New Orleans where a similar project was being discussed by the business men of that city. New Orleans at that time was rather a backward port and you remember the city is 107 miles up the Mississippi River. A port plan was evolved and now they have twelve miles of docks and it is surprising to see what business has resulted from this improvement. New Orleans is now

only second to New York as a port in this country.

I am not making a comparison between that and the Portland harbor improvements. I am simply telling what took place where people have been far sighted and have done what they thought was best to do.

I believe the referendum asked in this resolve should be granted, and I hope the Senate accepts the report.

Mr. SMITH of Knox: Mr. President and members of the Senate, I stand in support of this bill.

First I am going to read a couple of letters I just received this morning. The first is a resolve by the City Council in Rockland:

"A Resolve to endorse Legislative Document 347 of the 92nd legislature.

"Resolved by the City Council, that the City Council of the City of Rockland hereby endorses the proposed amendment to Legislative Document 347 of the Ninety-Second Legislature to provide that the last clause thereof shall read as follows: 'the proceeds to be distributed under the direction of the governor and council for the building and maintenance of public wharves, \$9,500,000 in the City of Portland and \$1,000,000 in the City of Rockland.'"

So much for that. I also have one from the Chamber of Commerce in Camden, Maine. "Dear Senator Smith: The directors of the Camden-Rockport Chamber of Commerce have endorsed the following resolution and will appreciate any action which you may take to further the passage of the Maine Port Bill by the legislature."

I won't read the Resolve, it is the same as the one from Rockland.

Now as to the bill. First I will give you some of the reasons for Rockland needing a fish pier as well as Portland.

We have here two fish plants (O'Hara and Feyler), three fish-packing plants (North Lubec, Lafayette and Green Island) and six lobster dealers (H. W. Look, Rackliff and Witham, A. C. McLoon and Co., Thorndike and Hix Co., Penobscot Fish Co., and Sim's Lobster Co.). These eleven companies report the following 1944 fish production:

Red fish	16,000,000	pounds
ground fish	4,000,000	"
herring	8,567,000	"
mackerel	563,000	"

pickled herring	60,000	pounds
shrimp	350,000	"
lobster	4,225,000	"
Total production	33,963,000	"

The above figures do not include four retail fish markets which buy direct from fishermen.

Ninety percent of Rockland's fish production is shipped outside of the State of Maine, and therefore brings new money to Maine. Boats now coming here do not bring full loads; they would with increased pier facilities. The fact that fishermen prefer to stand this great disadvantage and still come to Rockland is further evidence that Rockland is their natural port of discharge and that the additional facilities are needed here on basis of already existing rather than prospective or doubtful business.

From the fishing angle, with a State Pier in Rockland, we should increase our production to well over a hundred million pounds per year.

Gloucester, Mass., built a state fish pier and increased their shipment of fish from 30 million to 229 million per year. Now as to the benefit to coastal counties. It will, if passed, be a special benefit to ship yards all along the coast, as we will have to have more fishing vessels to handle the increased amount of fish. This means repairs to present ships and new ships. The trawlers the government took over and rebuilt to fit government needs will have to rebuild over again at a cost of from \$25 to \$70,000 each and that means thousands of jobs.

Now to the bill as a whole I understand there are no facilities in the Port of Portland where sea borne commerce to any great extent can come and tie up to take on or discharge cargo.

I understand that from six to eight ships per month are not now coming to Portland because there is no place to dock. I am convinced that the creation of the port facilities in Portland and Rockland, which is the purpose of this bill, will result in expansion of employment industrial, agricultural and commercial in Maine and that this one project will have a greater beneficial effect toward this end not only in Portland but throughout all parts of the State than any other possible aid that the legislature could give to the economic life of our state. In consequence I regard the project not only as a profitable

one for the state, but even as an essential one.

Now to prevent this good old state from being permanently bypassed as a commercial outlet to the sea, this bill should pass, and I therefore hope the Senate will adopt the Majority Report of the Committee "Ought to Pass."

Mr. BISHOP of Sagadahoc: Mr. President, when this great project was first contemplated and discussed, there was no thought of Rockland whatsoever, but because of that locality and the support which might come from there, they have seen fit to share less than 1/10 of this project for Rockland. I do not know how true it is, but over the years I have heard the statement made especially in regard to the pork barrel that if a legislator could get a culvert by his driveway, then he would vote for the state to build a bridge across the Atlantic. I don't know if this could have any bearing on this case. With your permission, I would like to read from the Governor's Inaugural Address:

I quote, "In 1942, the latest year for which debt service figures are available, there were only nine states in the country which spent more per capita on debt service than Maine. And in that year, which was a particularly prosperous one for Maine, this State stood 26th in per capita income. Surely this debt service charge is unduly burdensome and should make us pause before putting any increased debt on the people of Maine. Many states during these boom years have made far greater progress in reducing their indebtedness than has Maine."

Two years ago I made a humble effort, and a fruitless attempt, to change the special election statutes. I tried to have the special elections come at the next general election. This bill will mean, if we have a referendum election next fall, somewhere around \$100,000 cost besides the thousands and thousands of man days that are lost going to that election.

I am reluctant and very hesitant to saddle upon my children and my grandchildren and their children and yours, a bonded debt that would take years and years to liquify, if ever. The history of the Port facilities of Portland are too discouraging to attempt a bigger one.

Mr. HOWES of Penobscot: Mr. President and Members of the

Senate: We are living in a changing world. We all had the pleasure the other day of listening to the chairman of the Aeronautics Board, who said that we were going to fly over the world when the war is over. I agreed with all he said. We have seen the railroads go down and practically die. I might add that all I have in the world is in railroads and I'd like to get it out. My stocks have been in the bank in Bangor to be sold for six years and they haven't sold them yet. They did sell \$2,000 worth. I have sacrificed a lot to get what little I have in the railroads. I believe they are doomed. The one idea is to keep them up during the war, that the government would keep them going.

We heard the other day that Kaiser could build ships and he wanted to build freight planes. I had the pleasure this winter to be in Presque Isle at their airport which cost millions of dollars and I saw the transport planes come in which would hold pretty near a carload of stuff. You can not tell me when the war is over you are not going to see planes come out of Aroostook with more than a carload. If we can fly from Presque Isle to France in seven hours—and that is what we take—are we going to put stuff on a ship and take two weeks to get it around the world? I say that we are not.

I am getting to be an old man. I have said several times that the last car I bought would be a plane and I could not get a car or plane either at the time I wanted one, but we are going to fly. When the boys come back they will take us up and we will all be flying the first thing we know and we will be moving freight that way, too.

I am not in favor of this bill. If I had my way I would not put a nickel in it, but if you want to give the people a chance to vote on it it might be all right, but I am like the Senator who said he didn't want his children and grandchildren to say, "Grandfather Howes was sold a goldbrick." That is what I believe it to be. If they believe there is so much in it I should think they would buy it, themselves, and get all they can out of it. I am willing they should, but as for bonding the State the way things are now, I am not in favor of it because I believe freight will be flown over the world and I believe we will be flying stuff over there

before snow comes to keep the people alive.

Mr. NOYES of Hancock: Mr. President, I do not agree with the Senator from Cumberland that this is merely a question of a referendum to the people of Maine. I do not agree that it is an argument as to whether or not the water and air transportation are to compete with each other after the war. I contend we are today to decide upon a policy of state government. A policy that in future years will cost the taxpayers of the state of Maine more than this proposed 10½ million dollars. It is a policy of government that generations yet unborn will be obliged to pay for.

In the first instance, we are told that the state of Maine should underwrite the development of the Port of Portland because we can borrow money cheaper than a private individual or corporation. That, of course is true. The principal reason that the State of Maine can borrow money cheaper than an individual is because the income from state bonds is exempt from taxation. Furthermore we are able to borrow money because of our sound financial structure in the state of Maine. We have a bonded debt of seventeen million dollars and this proposition before us increases that bonded debt to ten and one-half million dollars at the outset. That is 60% of our bonded debt. I would ask you, ladies and gentlemen, how many times can you go before the people and increase our bonded debt by 60% and still borrow money at 1¼%?

I ask this question because if we take affirmative action on the question before us, how can future legislatures of this state deny aid to the ports of Rockland, Bangor or Calais in the years to come? The first argument that could be and will be advanced for any or all these projects is: "The State can borrow money cheaper than an individual or group thereof."

The question is whether or not the state of Maine is to adopt the policy of lending the state's credit to any and all projects involving large sums of money, the success of which to say the least, is doubtful. In other words, are we going to gamble away the credit of the state of Maine?

In my way of thinking, I believe the arguments advanced by the proponents of this measure can very well be used for the state to lend

its credit in developing the Quoddy power project at Eastport, which would involve a sum far larger than this we have before us. Any good salesman could paint us a pretty picture of cheap power at Eastport and the industries that would flock to Maine as a result thereof.

In particular, I am thinking of the beneficial results to Maine farmers, and how they would benefit from a Nitrate plant down there in Eastport, similar to that owned by the United States government down in Tennessee.

Carrying this line of thinking one step further, why not issue the State's bonds for \$50 million or \$100 million at the low rate of 1½% and invest the money in good stock yielding 4% or 5% interest and use the profit therefrom to reduce the tax on real estate in the State of Maine. All this seems to me to be entirely beyond the public interest. If we analyze this matter we have before us, take the state debt of \$17,247,500, and in addition we have \$2,000,000 self liquidating bonds, then an increase of \$10,500,000 would bring the total debt to \$29,867,500 that as I said before represents an increase of just over 60% of our \$17 million. The proponents seek to justify this measure by the increase in the overall economy of the state that will result if the piers are built. Each member of this legislature received a copy of a letter in which a steamship agent from Portland asserted that if 100 additional ships came in and out of Portland Harbor each year, the figure he uses in estimating the new Pier business, they would leave from \$4,325,000 to \$8,656,000 in the Port of Portland. The major items were stevedoring, purchase of supplies, ship repairs and sailors' expenses ashore. Let's take the top figure of \$8,656,000 and compare it with our present state economy. Let's leave out of our figures all business within the state except just one item, payrolls upon which a payroll tax is collected. That item alone amounts to about \$400,000,000 in the last 12 months. Their \$8,656,000 is about 2½% of taxable Maine payrolls alone. Are we justified in taking on a debt of \$10,500,000 or 60% over our present debt, to give Portland an increase in her economy in an amount of only 2½% of only a part of the state wide economy?

Certainly this business is desirable, whether in Portland, Rockland, Eastport or Fort Kent, but will all of the people be convinced that the means justifies the end? We are not being asked the question: "Do you want this thing badly enough to pay for it?" If we were being asked that question the sponsors would have added to their resolve a means of paying for it, via a sales tax or an income tax or an increase in the property tax. With such a proposal, we as legislators and the voters as taxpayers would have had a fair and honest question. Is this thing worth its cost?

As proposed, however, the question is, "Do you want Portland and Rockland to have this venture provided the cost will be assessed against future taxpayers?" There is certain honest justification for the conviction that we have no moral right to mortgage the future income of all of the citizens to acknowledge the present wishes of a limited few of our citizens.

The Governor has recited in his inaugural address, the unenviable position of Maine as related to our cost per capita in debt service. Here is another \$430,000 per year of debt service, for 30 years, that seems certain to be a taxpayer's burden. Certainly, \$430,000 is, as the proponents point out, only 1% of the state revenue, but it is also about 14½ million dollars. Here in this legislature we have learned that income and expense are not too well balanced and that present expense is just about equal to present income. How, other than curtailment of existing essential services, can you expect to raise \$430,000 per year except by increased taxes? Let the sponsors face the facts of the issue and put to you and to the voters, a revenue measure that will raise this \$10,500,000. Increased debt is no more desirable in public financing than in your own personal balance sheet.

Maybe we will truly be leading the way toward a new concept of public financing that will dispute the theory popular in the last decade that debt piled upon debt is the sound approach to successful public administration. True, \$10,500,000 is not a lot of money when measured by a yardstick of Federal expenditure. It is not much more than the cost of one new destroyer for our Navy. Not one of us would raise his voice in opposing Federal

debt essential for the successful prosecution of the War and all of us are willing to pay our fair share, in taxes, for the 8 or 10 million dollar destroyer. But when it comes to wharves and fishpiers let's have an honest willingness to pay for them and not add the cost of them onto public debt that at best is going to confound many future generations of our citizens. I sincerely hope that the motion of the Senator from Cumberland does not prevail.

Mr. BROWN of Aroostook: Mr. President, when I was a boy, a very young boy, I believed in the fable that there was a pot of gold at the end of the rainbow. Evidently some people have not gotten over their childhood belief and they believe there is a great rainbow over the State of Maine and a pot of gold at the end and the pot of gold is in the city of Portland.

We should first consider—or rather, one of the things I considered—is the transportation that will flow in and out of Portland after the war if these piers are built. The first trip I ever made to Boston I made in a steamboat running from Bangor to Boston. I afterwards worked in a shipbroker's office in Boston at the time the Penobscot River, although not carrying as much freight as it previously had, was carrying water-borne freight by steamboat and sailing boat. Since then steamboats have become things of the past and before the war sailing boats along the Atlantic coast were almost things of the past. There were steamboats from Boston to Bangor, and from Portland to Boston, and up and down our coast but they gradually quit the business. Why? Because with the opening up of good roads and the increase of motor traffic their business gradually died down until it was no longer profitable.

This same thing is true farther down the coast. When I first went to Florida 24 years ago there were two steamboat lines running up the St. John River. Both ceased because they could not pay operating expenses.

So these gentlemen are looking into the past, trying to bring back the good old steamboat days. We had a great argument the other day in which one senator told about the enormous advantages of reciprocity and the amount of business taken over by the trunk lines.

I believe the day of the steamboat is practically over except for heavy carrying across the Atlantic Ocean.

Let's consider it a moment. No American vessels can operate in foreign trade. That is a foregone conclusion. The cost of operating under the American registry is more than 1/3 or 1/2 the cost of operating under the British or Norwegian registry and it is more than under the Russian registry.

I attended a meeting that summer at Pomona grange and there was a speaker from New Brunswick—an able man and he was talking about conditions after the war. He said, "You don't want to forget after the war England and Canada will be rivals for carrying trade to the world—rivals as they always have been." As I mentioned, these vessels can operate cheaper because they do not have the same rate of pay. They hire men cheaper. They do not have to furnish the same kind of quarters. They do not use as many men because the seamen's union has tied up our men by demands for shorter hours, better wages and better food, and all these things that go to operate a vessel, so to a great extent foreign trade from the United States will be carried by foreign vessels. Where is the great business which will originate in Portland which will bring foreign vessels in there? They stress it is the nearest port to England, but water traffic doesn't depend on the shortest haul. Often it is the longer haul. The vessel comes as near as it can to the source of supply, for the shortest rail haul. When you consider the heavy manufacturing goods from New York, Pennsylvania and Ohio or any state which manufactures automobiles and trucks and heavy goods—do you believe they would have the railroads haul to Portland and then on to boats when their shorter haul would be to New York or Philadelphia? Do you believe the grain of the West would be diverted to Portland when the people who own wharves worth millions and millions of dollars are located in New York? Do you think with the same price for delivering grain to Portland as to New York they would make the longer haul to Portland when everything would tend to put it in New York? I confess I cannot see any great opportunity if they had all

the wharves in the world in Portland—Canada would get the foreign trade. The imports coming in will go to the place nearest to where they will be used and certainly it would not be Portland, but it will be Boston, New York or Philadelphia or other ports along the Atlantic coast because it is nearer your center of population.

Now, some mention has been made of the fishing business. We are in a time of change. I have no doubt fishing piers would pay and are paying, but there is a great change in the method of handling fish, and we don't know what it will be in the future.

Out in Chicago they constructed a large tank and filled it with seawater and flew lobsters from Maine by plane and put them in the tank and kept them for months. During the war it was difficult to get sea water and so some chemists analyzed it and put in the chemicals which were necessary and filled the tanks with artificial seawater and put lobsters in there and they lived for months. I think we will see the time when all cities will have large water tanks and lobsters will be flown from Maine and put in the tanks and kept alive for months.

I was in California a few years ago and had the pleasure of going to the wharves to see the tuna boats. They may be gone one or two or three weeks. They stay out until they get their catch. The boats are equipped with quick freezing units. As quickly as they are caught they are put into the quick freezing units. I foresee the same thing will happen along the Atlantic coast.

Certainly business will not expand to warrant such an expenditure of money as is asked for in this bill. The Senator from Penobscot, Senator Howes, mentioned being up to Presque Isle and seeing airplanes taking off for Europe. I seriously make this statement and believe it is true. Inside of 20 years after the war you will see more freight going to Europe by plane than you will see going out of Portland by boat. Let's not kid ourselves that we are going to bring back the steamboat days because they are not coming back.

Regarding traffic up and down the State. I have heard it suggested that Aroostook potatoes will come down to Portland and be put

on boats. I have had considerable experience in shipping potatoes south. Before the war we shipped by rail and water and the rate was just the same whether we shipped to New York or Boston. The rate will be the same if we put on boats in Portland and send south because the Interstate Commerce Commission protects the rate between ports, and there would be no advantage, but a serious disadvantage in shipping in cold weather because in shipping in refrigerated cars the burners are lighted and they go through to their destination. If they go to New York they are beyond danger of freeze but would not be beyond danger of freeze in Portland and if they had to wait three or four days for a ship to come in, there would be danger of loss, and it would be a substantial loss by frost. So any shipper, shipping to southern ports would rather ship to New York than to ship by way of Portland.

Now, there is a great deal of agitation, a great deal said about submitting this to the people. I don't like that kind of argument. What do the people of Maine elect us for? They elect us to come here and vote on legislation and not pass it back to them. I have not had calls from my people or any people in the State, asking that this be passed and referred back to the people. There has been a powerful propaganda, such as I have never seen before, both in the legislature and over the State to try to put it over. I was in a business man's office in Caribou and he said, "I have had three telephone calls from Portland, asking me to give an advertisement saying I was in favor of this." I said, "Did you do it?" He said, "No." I told them we elected senators and representatives and we were willing to leave it to them."

What happens if two-thirds of the people of this legislature vote in favor of the bill? It is an indication that the legislature believes in it, that two-thirds of our people here believe it should be passed. Then the propagandists—evidently they have a lot of money and I don't know whether it comes from private pockets or where it comes from, but anyway, there is a great deal of money that is used and can be used in the future for propaganda. Unfortunately on these matters, although opposed to it, we have no fund to dip into and no

one to go up and down the State to speak at clubs and spend money in advertising and talking against the proposition. The opposition must remain silent. So those propagandists go to the people and say, "Your senator voted for it. He heard the arguments and he voted for it". They have that as a lever to use. I believe we should do what should be done, and do it right now.

I have here an editorial from the Bangor Daily Commercial. Perhaps some of you have seen it. I will read part of it: "If the lawmakers regard an increase of the already large state debt by \$10,500,000 to begin with, as unwise and unjustified they should not hesitate to so express themselves. We doubt that any large number of voters, outside of Cumberland county, would be irritated by such action. Negative action on the measure would not rob the voters of a chance to express their views at the polls, for the right of initiative still exists. In the opinion of many the \$10,500,000 would be but the first call on the resources of the State. And for what? For the development of one of the many harbors of Maine, on a magnitude that would dwarf the business of all other state ports. And that without any surety of adequate return. It would call for the destruction of many buildings now standing and operating in Portland, under the right of eminent domain. If the prospects are as brilliant as the promoters insist why not develop Portland by private enterprise or by Portland capital?"

I want to say here, if the proposition is one-half as good as the people of Cumberland County try to make us think, they would not be offering bonds, and you could not buy them because capital at this time is always looking for profitable investments. So, I hope the motion of the Senator from Cumberland, Senator Spear, to adopt the "Ought to Pass" report will not prevail.

Mr. LEAVITT of Cumberland: Mr. President and Members of the Maine Senate: There has been a great deal said here, part of it true and part of it very fanciful. It would take hours to answer all the questions that have been raised, therefore, it seems almost the only logical thing to do is ignore most of the arguments and try to go further afield to see if we can come down to the basic, logical reasoning

of why this is a good proposition.

First, we here in the State of Maine should decide one thing. Are we going to be a bunch of pessimists or are we going to be a group of optimists, looking to the future with some idea that we are going to have a civilization that will be worth fighting for, as we have fought in the last few years?

If you will read in history, you will find at the end of every war the public debt has been high. In fact, we have spent more in fighting wars than has been spent in the history of the country for all things before the war. It was true at the end of the War of 1812. It was true at the end of the Civil War. It was true at the end of the first World War, and again it will be true at the end of this war.

There have been those pessimists who have looked to the future and said, "What shall we do? We cannot go on. All we will have from now on is desolation", and yet after each one of the wars this country has recovered itself and recuperated and gone forward to a more prosperous country than ever before.

Just before this war the economy of this country called for sixty billion dollars' worth of production. The average of five years before the war the figure went to 170 or 175 billion dollars. This war has inflated that national economy so the figure is 175 billion dollars.

Every facility in the country, railroads, the trucks on our highways, the airplanes and ships are being used to their full capacity. Economists who are looking forward to the future with some optimism and who have studied history and know what has happened in the past say that perhaps our economy will drop at the end of this war down to as low figure as 110 or 120 billion dollars. Very few admit the transition stage will be with us but for a few months and then we will go on to 130, 135 or 140 billion dollar economy.

Now all ports of the United States have been heavily overtaxed since 1939 when we had raised our national production up to 79 billion dollars. During the war, by working every facility 24 hours around the clock, spending billions of dollars unnecessarily, or at least unnecessarily for peace time requirements, the facilities which we have in this country have been able to carry on this tremendous task of



winning the war. But when the war is over and we go back to peace time operation, the facilities are not equal to handle the trade going through the ports and being carried by railroads and by our trucks.

Billions of dollars are going to be used in the expansion of railroads after the war is over, and billions of dollars will be spent on new motor cars and new trucks.

Many ports of this country realize this situation. The State of New York is going to spend 50 to 100 million dollars in modernizing its port facilities. They have grown so large their expansion has come to a place where it is uneconomical to expand much further. Baltimore proposes spending 50 millions, Philadelphia 40 millions, San Francisco 35 million and Charleston about 16 million and Boston anywhere from 10 to 20 million dollars. There are other ports that have that same idea because of the fact they say there is going to be a tremendous amount of business after this war; therefore, the Portland Port Authority, which is now we hope to be called the Maine Port Authority because of the fact the people that run the Authority are from the State of Maine and represent the State of Maine rather than just the city of Portland, had Mr. William S. Newell appointed to the board on August 23rd.

Mr. Newell came down to Portland for his first meeting and he talked with them and he asked to look at the plans they had for post-war development. They had a pier that would cost about three and a half million dollars which they had talked about for quite a while. Mr. Newell took one look at the plan, and with his wide experience, and feeling he knew what would happen after the war, he said, "It is no good. If Portland wants to be in the swim and wants to take its rightful place in the post-war development we must do something better than that." He went to the engineers and said to them, "This is what should be done. We should modernize this upper end of Portland Harbor." Although we take only three months to carry out this great job we are doing in the legislature, it is a pretty fast proposition to ask an engineer to draw plans for a ten million dollar project in that time, yet in a matter of three or four months they put

together plans and the prospectus which they presented to this legislature.

Now, I am going to be truthful with you people, that the plans as drawn and figures as presented will probably not be the conclusion or ultimate result of what they will do in Portland. These plans call for tearing down some buildings which are useful and which should never be torn down, and so the plans will be changed to utilize the construction that is there at the present time. They had to have something to show.

Now, I want to go on to this one point and that is that the man who conceived this idea of developing the Port of Portland is affectionately known to everyone in the State of Maine as "Pete". That man came to Bath. He gave up a good job with the Bethlehem Steel Corporation and came to Bath and took over the defunct Bath Iron Works. Very few people thought he was being wise in so doing but he has built it up to have a reputation that it is the only shipyard in the United States that builds ships for the Navy where they do not make the ships take trial runs because they know when they are built in Bath they are right.

He has built the shipyard to a point where the United States government has spent in Bath for those ships \$500,000,000—half a billion dollars—and then if that were not enough, he was asked if he would come to Portland and build that shipyard in Portland and we have already had evidence given us today that he was having difficulty in getting \$200,000 to develop that project. He finally succeeded and built a \$10,000,000 plant which was so successful that immediately the Maritime Commission came in and spent \$12,000,000 in building another plant alongside it. The payroll in the two shipyards has been at the present time over \$200,000,000.

If Mr. Newell had to go to this legislature to get money to build the Bath Iron Works or the shipyards in Portland he would have been turned down as being visionary—a crackpot, perhaps—and we would have said, "Why should we go along with a man like this?" But this man has come to Portland and he was appointed by our past Governor to act on the Port Authority. Here is a man who Admiral Lamb said was more responsible for the present Merchant Ma-

rine" in the United States than any other one man in the United States. He said it to a convention of 2500 people in New York sometime ago when Mr. Newell was not even present.

That man asks the State of Maine and the legislature if they will back him in an attempt to build Portland to be a sizeable port and to the importance it once had in the United States. I am willing to get behind Pete Newell on the proposition because I know he is a leader. He may be a darned poor politician as evidenced by some remarks I heard as to statements he has made; but he is a business man and he is a man we can follow, and if for no other reason than that Pete Newell says he will put that thing across, the State of Maine should go along with it.

When he came to Portland with the first shipyard, it was a \$50,000,000 contract and that was as far as anyone could see. The fact that he came was the bringing of another with 230 more ships to be built.

When the docks are built and the people of the country see the State of Maine is behind such a project, I believe private capital will come in for the construction of something else but we have got to show them and we have got to lead; and I believe this man is the man we should follow and I believe we are being very short-sighted if we ignore his guidance.

Mr. MORRILL of Cumberland: Mr. President and Members of the Maine Senate, I would like to discuss a matter which is of importance to all people, whether two years old or a hundred and two years old, and that is the cost of living.

Senator Brown of Aroostook, in his remarks mentioned he would not want to ship potatoes to New York or Philadelphia or to the South by water because it would not be cheaper than rail, and he is perfectly right on that. However, I don't like to have anyone tell me all trade must come from within these confines. Every citizen and every living being has to have the necessities of life, food, clothing, lights and heat, etc. Raw materials making up these necessities come from every part of the world and every part of the United States. When they are shipped from far distant ports like the west

coast, Europe and Africa they are shipped cheaper by water than by rail. As an example, if you buy a can of salmon which was canned in Alaska, from a store in Maine you are going to pay one, two, or three cents less for it if it is shipped by water. On the basis of 250,000 families in Maine—I do not know the exact number—but if every housewife who does the purchasing buys a can of salmon a day and pays only a cent less for that can, it amounts to \$2500 a day or \$912,000 a year saving to the people of Maine for one of the necessities of life.

We have had in the past the facilities of the State pier in Maine and we have enjoyed the opportunity to benefit by water freight, shipping to and from the various ports of the country and the rest of the world. It is more than probable the Navy will retain possession of the State Pier, and we will be able to handle only about one ship a month in Portland carrying freight. On that premise the people of Maine, with regard to the cost of living, are going to lose a great many benefits they have enjoyed in the purchase of necessities shipped by water. On the basis of what this project can do on one can of salmon per day to each family there is a saving to the people of Maine of almost a million dollars annually. You can multiply this by hundreds of other products from Texas and anywhere in the United States—the west coast—South America—Europe.

You also have got a situation whereby by being able to receive and ship by water from the west coast, this particular port bill if it becomes a fact, will benefit the people of California. We have a number of industries in our state that use raw materials from California. If they are shipped around here by water the cost of manufacturing in Maine is less, and also transportation on the return journey is less; thereby the people of California can buy our Maine products if they choose to buy them, cheaper than if the shipping were done by rail.

Senator Spear mentioned that on the basis of 120 ships this would give us \$8,000,000 in new money that would come into the State. Figures presented estimated that every ship of 10,000 ton capacity over and above what is paid to the Authority, will leave in the city of

Portland a minimum of \$43,000 and a maximum of \$85,000 per ship. That money is new money, never in the State of Maine before, and is left in exchange for goods. It eventually goes all over the State. The minimum figure for 120 ships is \$5,160,000 and the maximum is \$10,000,000.

Now, I understand if this bond issue goes through the average indebtedness of every individual citizen based on 750,000 population would amount to twelve or thirteen dollars. If we are to receive new money in Maine amounting roughly to \$8,000,000 and on top of that, indirect benefits from savings on commodities which are being shipped in here by water from other parts of the country and the world, in one year the citizens of Maine will receive back in new money in Maine—it may not be distributed head for head, but it will be new money in Maine—an amount annually in excess of the credit which they have pledged.

Whether the bond issue itself is the proper thing, I do not intend to argue. I am speaking of it as a manufacturer and citizen who eats and buys clothes and I say there is a great advantage in being able to have water freight in the State of Maine.

**Mr. BISHOP:** Mr. President, the latest arguments to which we have just listened, pivot not around the value to the State of Maine, not as to how much help will be given to the industries in Rockland, but instead, they have considered the value to the city of Portland.

The Governor is fighting desperately to establish and maintain a basic principle which is that each industry subsidize itself. The potato industry has done it. The corn industry has done it. The blueberry industry has done it. Why should not the people of Portland do the same for themselves?

Furthermore, if the great leader, "Pete" Newell—and he is a great leader and a very good friend of mine—if he has been able to build the Bath Iron Works, defunct as it was, to a five million dollar industry, if he could go to South Portland on a shoe-string and build there a twenty million or twenty-five million dollar industry, why now do they ask the State of Maine to share the burden. It is not consistent.

**The PRESIDENT:** The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, to adopt the majority report "Ought to Pass". Is the Senate ready for the question?

A division of the Senate was had. Twelve having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Dow of Oxford, the Senate voted to adopt the Minority Report "Ought Not to Pass".

Sent down for concurrence.

On motion by Mr. Brown of Aroostook

Recessed until two o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

**The PRESIDENT:** Under Orders of the Day, on the disagreeing action of the two branches of the legislature on Legislative Document 406, an Act Relating to the Salary of the Sheriff of Piscataquis County, the Chair appoints as members of the Committee of Conference, on the part of the Senate, Senators: McKusick of Piscataquis, Noyes of Hancock, Denny of Lincoln.

On the disagreeing action of the two branches of the legislature on Legislative Document 965, An Act Relating to the Licensing of Automobiles, the Chair appoints as members of the Committee of Conference on the part of the Senate, Senators: Brown of Aroostook, Smith of Knox, Clements of Waldo.

The Senate is proceeding under Orders of the Day.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs on bill, An Act Relating to Appointment of Police Commission for City of Lewiston, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" (S. P. 141) (L. D. 346) tabled by that Senator on March 20 pending motion of the Senator from York, Senator Batchelder, to adopt the Majority Report.

**Mr. BOUCHER** of Androscoggin: Mr. President, at the very outset of my remarks, I want to make one

thing clear. I am not asking you to change the present Governor-appointed Police Commission of the City of Lewiston. I am not asking you members of the Senate to change that Commission to a Mayor-appointed group, even though every other city department is supervised by a Board or Commission which is appointed by the Mayor.

My bill seeks one thing and one thing only. It requests you to allow the people of the City of Lewiston to decide for themselves whether their Police Commission should be Governor appointed or Mayor appointed.

Look at this matter without bias, without prejudice, and my bill means this: It means to give the right of self-determination to the people of Lewiston.

It is strange, very strange, that I should stand here in the Senate of the State of Maine, in these United States, today to beg you to give to the people of Lewiston the very thing which we as a nation have guaranteed to all peoples of the earth in the Atlantic Charter.

Your boy, Senator Dow, your boy, Senator Good, and the sons of several more of you, as well as the sons of millions of American fathers and mothers, are fighting all over the world today to give the right of self determination to the oppressed people of Poland, the Czechs, the Yugoslavians, the Filipinos, and countless others.

Yet, that right of self determination is denied the people of Lewiston, right here in our own State of Maine!

Lewiston has committed no crime. Its people have harmed no one. There is no reason why Maine should discriminate against it.

On the other hand, Maine has every right to take pride in Lewiston. It is the second largest city in the state. It forms the heart of Maine's industrial area. Under a new charter passed six years ago by this legislature and accepted by the people of Lewiston in a free referendum, the city government of Lewiston has been outstanding. Old deficits have been wiped out. City departments have been rebuilt. Cash surpluses have greeted the end of each new fiscal year of improvement.

The first year under the new charter, the city had a surplus of \$84,000. The next year, the surplus

plus was \$74,000. Then, the cash balance rose steadily to a high mark of \$168,000 in 1943. We have just completed a fiscal year with the third largest cash balance in the city's history—\$121,428.

Lewiston stands as a monument to good city government.

And, Members of the Senate, that progress has been achieved through the work of Mayor-appointed city boards and commissions.

Lewiston has the right of self determination in every case except in regard to its Police Department. It has a fine Police Department. It would continue to have a fine Police Department if the people of Lewiston should decide, by their votes, that the Commission should be appointed by the Mayor instead of by the Governor.

Six years ago, when the new charter was to be taken before the people of Lewiston, this matter of the Governor - appointed Police Commission—the only one in Maine—was discussed. At that time, there was a gentlemen's agreement that if the charter, with its Mayor-appointed boards, worked out all right, then this legislature would be asked to change the Police Commission to a Mayor - appointed group. On the basis of that agreement, the Governor - appointed Commission was not made an issue in the charter election.

Today, after six years, facts and figures show that Lewiston's new charter government is a success. Mayor-appointed boards and commissions have pulled the city up by its bootstraps.

The time for the gentlemen's agreement to be kept is here. But, certain Lewiston gentlemen who made that agreement have had a lapse of memory. They are not here to ask that a change be made.

It is because they are not here, because they have forgotten their pledge, that I am not asking you to change the Lewiston Police Commission from Governor to Mayor appointed. What I am asking you to do is to let the people of Lewiston decide this at the polls.

I am pleading for the right of self determination. I realize that this is a highly controversial issue. And I want you to know that it is a non-partisan issue. You will find Republicans and Democrats on each side of the question. It is a matter of Principle, not Party.

If this Senate looks with favor upon my bill, the controversies can

be thrashed out at home, in Lewiston, where they should be thrashed out.

There will be plenty of time for discussion and argument between now and the next city election in February, 1946, when the referendum would be held. The merits and demerits of the two methods of appointing the Police Commission can be taken up at public meetings, in the public press, and over the radio.

How does Lewiston feel about a referendum on this matter?

Here is a real indication. Lewiston has sent 8 men to this 92nd legislature. Five of them are in the House; three in the Senate. Of those 8, seven are in favor of my bill. One is against it.

Those eight men are the elected representatives of the people of Lewiston. How they feel on this matter should have a bearing on your action here.

I am asking no special favor for Lewiston. I am asking only that you do to us what you would have us do to you, if the tables were reversed. I am asking for fair play, and the right of self determination.

It is true that at the public hearing on this bill there was opposition to it. But I want you to know, Members of the Senate, that most of that opposition was from the Police Department itself. I also want you to know that over 50% of the policemen who formed the opposition were not present of their own free will. They were compelled to be present at the hearing to oppose my bill.

There may be attempts to becloud the issue, to confuse this whole business. But let me emphasize again, my bill does not ask you to change the Police Commission of Lewiston from Governor to Mayor appointed. It does ask you to give the people of Lewiston a chance to decide for themselves, in a free election, whether their Police Commission should be appointed by the Governor or by the Mayor.

My bill begs you for the right of self determination for Lewiston.

When you vote on this bill, Members of the Senate, I want you to remember that the boy from your town who died on Iwo Jima, the one who lost his life on the beaches of Normandy in that greatest of all invasions, the one who left a young wife and three small children when a German bullet

ended his 25 years of life—they died for the right of all people to run their own affairs. We call that right self determination. It is the foundation stone of Democracy.

I ask you to give to Lewiston that right: Self determination.

Mr. CURRIER of Androscoggin: Mr. President and Members of the Senate, as one of those seven representatives from Androscoggin County in the city of Lewiston in favor of Senator Boucher's bill, I would like to point out to you and go into detail just a little as to the opposition that was made to this bill in the committee hearing. This opposition was one of the smoothest, finest lubricated pieces of maneuvering I have ever witnessed. It reminded me of a well rehearsed basketball game. One would take the ball and dribble it and pass to the next one who would juggle it—it was beautiful work. Fifty percent of the police department of the City of Lewiston were there. As the Senator from Androscoggin, Senator Boucher, pointed out, they were there against their will. As to the city of Lewiston, just what happened in the city while fifty percent of the police department was lobbying in the State House?

To show the extent and sureness and well rehearsed opposition one of the supreme egotistical opponents gave his speech to the local newspaper who printed it with headlines before he talked before the Legal Affairs Committee. I know how bad it is for something to go wrong with a car or machine, but there is a little humor in the situation when one considers the embarrassing position he would have been in if he had been delayed or the hearing postponed.

There is another thing, and a thing of that kind irks me a little. Most of us are not legally trained and we perhaps cannot talk well. Eighty percent are French and to those persons and myself it is difficult to express ourselves as legally trained persons could; so while representatives of Androscoggin County and Lewiston were sponsoring and talking for this bill, sneers and smirks were going on by the opposition. I think it was uncalled for and I sincerely hope the motion to accept the Majority report, as made by Senator Batchelder, will not prevail.

Mr. BATCHELDER of York: Mr. President, I might say that this bill

finds its way before us every two years of the legislature. As I recall it, it has been presented several times and practically the same things have been talked over as at the present time, stressing home rule. The committee reported this bill nine to one, "Ought Not to Pass". Now this bill proposes a change of appointment of the Police Commission from the Governor into the hands of the Mayor. It may be interesting to know how the present change came about wherein the appointment was removed from the Mayor and placed with the Governor.

The committee was given to understand that some years ago the personnel of the Lewiston Police Department was determined by local politicians relative to conditions pertaining to the apprehension and punishment of criminals and the acceptance of graft was such in Lewiston that a large group of law abiding citizens came to the legislature asking us to remove the Police Department from politics. Since that time the efficiency of their Police Department has been favorably commented on by many people in and out of the state including federal officers.

Even the proponents of this bill requesting the change to return to the old system whereby the appointment of the police will be returned back to the mayor, admit the fact that its present police department, at present and since this change, has been operating in a highly efficient manner. This being so, I see no reason why any change should be made. Our Committee had before it a large representation of citizens from Lewiston opposing any change in their Police Department together with over 500 letters from many prominent and influential citizens of their city commending the personnel of the Police Department and asking that no change be made.

If this bill is passed, granting the referendum, you are voting for a return to the old system of again placing the police department in the hands of politicians and I do not believe that it is for the best interest of the citizens of Lewiston or our state.

I might say this bill provides for a referendum, and of course, we know that if this bill is actually passed, granting the referendum, it might as well be passed out with a report "Ought to Pass". I hope the

motion as already made will carry—"Ought Not to Pass".

Mr. GOULD of Androscoggin: Mr. President, in referring to the eight from Androscoggin County—I am the odd one. I often wonder when it comes to a matter of reciprocity, small claims, etc., we have reports from the committees, but there are many who know a good deal about the subject and are not always guided by the committees themselves. But in regard to matters that are purely local, what do most of us know except four or five, of conditions in Houlton or Bangor or Portland or Lewiston? Only a few know. The result is we ought to be guided somewhat and perhaps a good deal by the hearing.

At this hearing there was the usual representation on both sides and both had their arguments, but in connection with some history of the case, in 1917 which was the year conditions were so bad, they adopted the new system which has been in effect 28 years. It was decided in court that the police of a city are essentially state officers and put into effect state laws. There was also a decision in the case of Andrews vs. King, that they were state officers. Furthermore, they went along and said that as they are state officers the legislature can determine whether authority for running the department should be local or with the state, but the legislature has the full power on that subject. They determined in this case to let the Governor appoint the Commission. Of course, as a rule, it is done by local authorities, but we have an example in Boston where for years and years the Governor has appointed the police commission, apparently with no objection, so far as we read in the papers, from Boston people. So apparently the answer, the decision, was that police are state officers.

I think sometimes this matter of home rule is a little deceiving because we have in mind home rule as it originated in the troublesome problems of England vs. Ireland. Home rule there meant, of course that laws for Ireland were made in England and they maintained that all the people appointed to the best positions were from England, Wales or Scotland. We have it in mind when we talk about home rule but it is not true in this particular case.

Our commissioners are appointed by the Governor and are citizens of

Lewiston. In the first place, we had three men—one was F. X. Marcotte, a very well-known Franco-American; Mr. Crockett, a lawyer; and a third one, Mr. Anthony and the only thing you could say about him was that he was an ex-professor. We had a good many following that, and today on the police commission is Mr. Fred Hall who manages the Hall-Knight Hardware Store—and if it was not for some Portland friends I would claim he runs the biggest hardware store in Maine. Another is Mr. Martel, a Franco-American. The third is Mr. Warren who runs a business in Skowhegan and Lewiston. None of the three has anything to do with politics. They are as nearly impartial as you can make them. It has been the case since they were first appointed in 1917.

On the matter of home rule, I wonder after all, if we do have home rule as far as municipalities are concerned. I have been told we cannot borrow beyond five percent on taxable property. It is put on by the State. We have certain health regulations which the State puts on and we have to follow them. I understand the schools in hiring teachers have to hire those approved by the State. Buildings have to be inspected. We certainly don't have home rule. I have heard it discussed in other parts of the building about home rule and the schools. We don't have it. The State thinks it wiser not. We do not have absolute home rule. There is no doubt about that.

In regard to this particular case, it has been admitted as far as the police department and police commission is concerned, the history of Lewiston has been quite satisfactory. It has worked along quite well. So they say that we should have a change.

But there is another argument I'd like to bring up. I have never heard it so I will throw it in extra. In every city you have a judge of the municipal court. The judge of a municipal court handles few civil cases—very few—mostly criminal cases with respect to people who are arrested for minor or major offenses. In other words, the judge of the municipal court operates with the police. If I am not wrong about that, the judge of the municipal court is appointed by the Governor. You don't have home rule

there. Why not try to get the judge of the municipal court elected by the people? Or you might put it this way, if he is appointed by the Governor, why should not the police be appointed by the Governor? Both are to enforce certain laws. To me it is a rather striking item.

Bringing us to a little later date, about 1944 the Mayor of Lewiston, at the request of some people called together a committee to revise or study the charter with an idea of going to the legislature with a few revisions that could be agreed upon so we would not have friction; and the Mayor appointed all the members of the legislature from Lewiston, eight, plus nine other, I believe, and they had several meetings but one thing was excluded by the committee and that was any consideration of the police. That was by request, so all they took up was the other items about the engineer of the fire department and four or five others and they were finally passed by this committee of seventeen.

Certain suggestions have been presented to the legislature. Now, there was a good chance on the part of my opponents to have that committee consider the matter of the police and make recommendations but it was not taken up at all, by request. Consequently, anybody apparently could bring up here, any one of our representatives, any items they wanted to about our police department.

In regard to that meeting we had with the Legal Affairs Committee, as has been stated, after due consideration, the vote was nine for the Majority Report and one against. In other words, nine did not favor a change.

There were two very noticeable things in that meeting, and one was—again I am repeating—that the proponents of the bill admitted that the police and the commission were doing quite satisfactory work. That was generally admitted, but a second thing was noticeable, very noticeable, that the proponents did not bring any written requests from the people for Lewiston to have a change. Now, bear in mind at the meeting it was done orally but no written requests were brought and there was nothing done in the meeting of the charter committee I referred to.

Now, the letters as mentioned by Senator Batchelder—there were 556

letters sent to the chairman of the committee, representing taxable property of Lewiston of 55 or 56%. I looked through the letters to see if they were all alike and I could not see any two alike. They were from people in various walks of life and I thought I would mention some of them here. Of course, you would not want me to read the list of 556. In the medical profession there were letters from Doctors Beliveau, Webber, Fahey, Randall and others. There were letters from pharmacists—Rivard, Turgeon, Bedard, Kenney, and from the Priscilla Pharmacy. Religious organizations: Catholic Church, Lutheran, Greek Orthodox, Salvation Army, Baptist and Healey Asylum requesting we should make no change. Now as to the mills, there were letters from Bates, which employes about 1600 people, Pepperell, Androscoggin, Continental and Libbey, all mills of Lewiston. From the banks—every bank if I am not mistaken, sent in letters begging that there should be no change—the Manufacturers', People's, Androscoggin, First National and Lewiston Trust. The retail stores: I could not read a list of all but there were letters from the chain stores, Peck's, Lamey-Wellehan and others asking to have no change. Lawyers: There were letters from Skelton, head of Central Maine Power; from Berman & Berman—Mr. Berman is a member of the State Republican Committee; Clifford & Clifford, a firm of well-known lawyers, one being our present U. S. District Attorney; Mr. Lancaster, who does not live in Lewiston but has his office and property there. Mr. Fred Lancaster was for years Chairman of the Democratic State Committee. There were letters from insurance companies — practically all of them. There were letters from some who don't fall in any particular line like the Lewiston-Auburn Transit Company, Central Maine General Hospital, DeWitt Hotel, Central Maine Power Co., F. S. Hoy, etc. We have quite a list. I have read only a few of the names but they certainly all protested against the change, and if I might read one or two letters—there is one from the Lewiston-Auburn Transit Company, Mr. Alfred Sweeney. He says: "This is a step backwards to the chaotic condition which existed in the Lewiston Police Department up to the time when the Statute was

passed, which this proposed legislation seeks to repeal. Conditions became so bad that in sheer desperation, passage of the existing Act was sought and approved, and if repealed, there is absolutely no guarantee that the Police Department will not revert to its former deplorable status. On the other hand, under the present Commission, the Department has been built up to a standard of excellence which makes it outstanding in New England, tenure of office is secure, and freedom from politics is complete. This is wholly in the best interests of the city of Lewiston and I trust the proposed bill may receive a unanimous adverse report."

Another letter is from John A. Collins, Agent of the Bates Manufacturing Company, the largest company in Lewiston. He writes: "Dear Sir:

"I understand that there is some thought of changing the government of the police system in the city of Lewiston from the present commission form to some form of local home rule government. I sincerely hope and trust that no such change is made.

"I believe that the city of Lewiston has a very fine police system, and that it is most efficiently administered under the present arrangement. From observation and experience I have had in our business connections with the Lewiston Police Department, I feel certain that the contemplated change can only result in a lower standard of cooperation, police protection, and law enforcement for the City of Lewiston.

Very truly yours,  
(Signed) John A. Collins, Agent  
Bates Mfg. Company"

Then I had a letter which I am rather anxious to read because of the close contact this man has had with the police force. This is from Frank T. Powers who was the Democratic prosecuting attorney for Androscoggin County for three terms, six years, and I am sure he would know the conditions in the sheriff's affairs and the police affairs of Lewiston very thoroughly. He has written:

"Dear Sir:

"I understand there is a bill now pending before your committee asking that the appointive power of the Lewiston Police Commission of the City of Lewiston (so-called) be taken from the Governor with ad-



vice and consent of his Council' and placed in the hands of the 'Mayor of the City of Lewiston.' "

He goes on and makes some remarks then continues:

"Since 1917, many attempts have been made by certain citizens of Lewiston to have this law changed. Even they who proposed the change will admit that in Lewiston we have the most efficient police department in the state of Maine. I know this as a citizen of Lewiston, as a practicing attorney prior to the enactment of this law in question and as prosecuting attorney of this County for six years; and on many occasions I have heard the Judges of our Superior Court compliment the members of the Lewiston Police Department for the very efficient manner in which they have presented the state's case in our criminal courts."

By the way, this isn't in this letter, but the FBI has complimented the chief of police and the force in Lewiston very frequently.

Then this letter takes up the matter of home rule which I will leave out, but he says, "It is true, as was said in *Andrews v. King*, 77 Maine, 224, that the officers in the police department are essentially State officers in that it is their duty to preserve the public peace, the peace of the state, and the people of the whole state are interested to have such legislation as will secure the most efficient administration of the department. What that legislation shall be, however, is for the legislature to determine, and as the court also said in the same opinion, while the appointment is usually delegated to the municipal government, it is competent for the legislature to entrust it to the Governor.

"So, anyone who reads this opinion can readily see that the police officers are not local employees, they are state officers enforcing state laws.

"It is my firm conviction that the interested citizens of Lewiston would be greatly disturbed if any change was made in the present appointive power. We have had in this city a splendid police department for the past twenty-eight years under the present appointive power—why change?

Very truly yours,  
(Signed) Frank T. Powers"

Let me repeat that last sentence, "We have had in this city a splen-

did police department for the past twenty - eight years under the present appointive power — why change?"

The Committee on Legal Affairs decided nine to one not to approve the proposed bill, and when we admit the commission has been working well for 28 years, when we consider that at the meeting there was not one group of people to show the people of Lewiston desired a change—and if you want to take up a third thing—that the committee appointed last November to revise the charter, never indicated they wanted a change—why change?

In New England and in Maine we may be a little old-fashioned but when a matter is going along well,—it may not always be according to Hoyle—but why change? I would suggest opposition to the motion of the Senator from York, Senator Batchelder.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, I would like to answer the two preceding Senators on their remarks. First, the Senator from York, Senator Batchelder, mentioned the fact that this comes up every two years. Well, I am not old enough to have been here the last 28 years but I can recall I brought it up once before. At the time my bill had no referendum on it. This one has.

I warned the Senate in my opening address on that matter that they would try to becloud the situation. I maintain they are trying.

I am talking about referendum, Members of the Senate, not the Police Department, not the policemen on the street or their officers or the commissioners. I think it has all been agreed to. I stated in my opening address that we have a good police department and I maintain we are going to have a good police department even if we have a referendum.

I cannot understand why the Senator from Androscoggin, Senator Gould, seeks to deprive the people of Lewiston of the right to express their opinion on this matter. I, for one, want to go on record this afternoon that if you give the referendum, whatever the decision may be, I will never bring it up to the Senate again if I ever come here again. I hope to. I am in my fourth term and I hope to come many more terms. If you

give the referendum I will abide by it. I will never try again.

I maintain we have never had a chance to vote on this matter at home. This matter was properly imposed 28 years ago, as explained by previous speakers. I maintain Lewiston is not the Lewiston it was 28 years ago. I maintain under the charter we have now they make a different showing than they did 28 years ago.

I notice the opposition is careful not to talk about anything except police officers and commissioners. They do not talk about the referendum. They are careful about that. The committee vote was nine to one. It is no surprise to me, members of the Senate.

I want to call your attention, and you can prove for yourselves, this document, No. 346, was assigned to the Judiciary Committee, but through some conniving was sent to the Legal Affairs Committee where my good colleague, Senator Gould, sits on the committee. Naturally he had a chance to influence the committee to vote his way. I am not accusing anybody but I state facts. It was originally sent to the Judiciary Committee, and for some reason unknown to me, and I have facts about it, it was sent to the Committee on Legal Affairs.

It was brought out about these 500 letters. All right, I will tell you about the 560 or 570 letters. I told them at the hearing and I will tell you now. Those letters were collected by uniformed police officers in police cars paid for by the city of Lewiston, under pay by the city of Lewiston. I leave it to your judgment to say if it is fair practice. Those policemen are ordered to go out and collect letters one by one and I saw them with my own eyes go into stores and collect letters.

I also want to say to you that most of the letters, if you read them — if you have the time to read them — would show a misrepresentation. It is a fact those letters were given on this basis: The police officers would go in and say, "Mr. So and So, are you satisfied with the police department?" The answer would be "Yes." Then they would ask, "Will you give a letter of approval of the police department?" The answer would be "Yes." And ladies and gentlemen, if they had come to me and asked for similar letters I would have given

them one. But that is not the issue. The issue is on the appointment of the commissioners — not the police department — not the police officers — but the commissioners, the three commissioners under our present charter.

That is the issue and the issue is we want a referendum on the question to know whether the city of Lewiston is going to be run by 556 people or if the 19,000 voters of Lewiston have a right under our laws to express their opinion on this matter.

I'd like to introduce a letter now to you. I have had it in my possession quite a while. It is a letter from the League of French Societies of Lewiston. 27 different organizations belong to this league. This has been in existence 25 years and here is what the letter says: "Senator Jean Charles Boucher, Lewiston, Maine. Dear Sir: At their last regular meeting of March 25, 1945, the delegates of the French League of Societies of Lewiston-Auburn have voted to endorse Senator Boucher's bill on whether the city of Lewiston would be allowed a referendum on the Police force question; whether it should remain as is, named by the Governor, or appointed by the Mayor."

That league, ladies and gentlemen, represents about 16,000 voters of Lewiston. I think it should offset to some extent the 563 letters solicited. I did not solicit this letter. It came to me through the mail.

My good friend, Senator Gould, has asked you "What do you know about the situation in Lewiston?" I want to repeat that. "What do you know about the situation in Lewiston, individually?" I believe that you members of the Senate should say, "Let the people of Lewiston decide this question. We don't know." The only three people who do know anything about the situation are the three senators who come from Lewiston. This nine to one vote has been talked about as a big thing. All right; I want to again point out that there are eight persons from Lewiston in this 92nd Legislature. Seven are for my bill and one is against it. Again I repeat they are elected representatives of the people of Lewiston. They should have some idea of what Lewiston wants. I think if seven out of eight tell you to give us a referendum on the question you

should consider the request very carefully.

The big argument brought out is that policemen are state officers. I have heard it many times. I have heard it previously in discussions, both at hearings and in the Senate and I am not ready to deny it, but I want to know, if it is true, then why is Lewiston the only city in this State that has a Governor-appointed commission? If it is good for Lewiston, members of the Senate, it should be good for Portland, Waterville and Augusta and every other city and town in this state. I think that argument has no value. Why should Lewiston be singled out to be any different from any other locality in the State?

The name of one of my good friends, Commissioner Hall, has been brought into this picture. The opposition saw fit to do it, so let's go back to the record of Commissioner Hall. Commissioner Hall, two years ago on the revision of the charter committee, voted for a referendum for Lewiston on the police commissioner question and I defy the opposition to prove the contrary. It is on record that Commissioner Hall voted for a similar bill entered two years ago.

The question of limitation by the State has been brought into this. We have not home rule on the amount we can borrow. We are limited to five percent, and so forth and so on. It is true for all cities and towns of the State. It does not apply only to Lewiston. What is the reason the Governor appoints the commission for Lewiston only? I ask that Lewiston be used the same way as other cities and towns throughout the State. Again, the question of the judge of the municipal court was brought out — appointed by the Governor. That is true, but so are the judges of all municipal courts appointed by the Governor. But all police commissioners are not appointed by the Governor, oh no! I can readily see every one of you rebelling against a Governor-appointed police commission in your own city and town, and I would support you. I believe you have the right to say who should be appointed as you pay the bills.

My good friend, Senator Gould, referred to the charter committee and the Mayor of 1944. Ladies and gentlemen, I happened to be that man that in 1944 appointed

that charter committee and I made that appointment a little different from what it had been in the past. I appointed eight members of the legislature from Lewiston to the committee, and not wanting to give them the whole power, I appointed nine citizens of Lewiston and I want to point out that they were appointed in a non-partisan way. There were members from the citizens' group who represented the Democrats and the Republicans and the unenrolled. For your information, Lewiston has more unenrolled voters in the city than it has enrolled Republicans. We are operating on a non-partisan basis. When you run for municipal office you run without any enrollment. This committee was appointed that way. It is true, as Senator Gould has said, that this matter of the police commission was left aside because it was controversial. We are trying to go along as well as we could on all these matters and so it was left aside. He was agreeable to that and I was agreeable to that and other members were agreeable to that. So we did not take up any controversial issue.

Senator Gould introduced practically every bill that concerned the Lewiston Police Department and I supported practically every bill that he introduced.

When he tells you that a change at this time would wreck our police department, it is untrue. At this time the police department is practically on the same basis as a federal job. They are appointed there and kept there as long as they do their work properly. This legislature voted last week, I believe, for tenure of office for the chief of police of Lewiston and if I remember correctly, I appeared at the hearing in favor of tenure of office for the chief of police of Lewiston.

Let's not try to becloud this question. Let's keep it as clear as possible. There is only one point here, ladies and gentlemen. Lewiston wants a referendum on this question. Lewiston wants to settle this question once and for all. That is the whole story in a nutshell. Ancient history is not going to settle this thing and not going to regulate the thing and not going to settle the matter. Let's take Lewiston as it is today—one of the outstanding cities of Maine, financially and every other way. All its commissions are working wonderfully and have been in the last six

years. The police commission should be no different from the others. I am not afraid of the appointment that would be made if this change should come about in the future, by the mayors of Lewiston. I am satisfied we are going to keep on having good police commissioners. I also very well know that if conditions got bad, a following legislature would immediately replace it by a Governor-appointed commission for the city of Lewiston, and I for one, and there are thousands of others in Lewiston who feel the same way, certainly would not want it to happen if ever we are free again.

Mr. GOULD: Mr. President, I will make my remarks very brief. We have had efficient government for 28 years. Why change? When it gets poor, change it. May I ask for a division when the vote is taken?

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Majority Report, "Ought Not to Pass" be adopted.

A division of the Senate was had.

Twelve having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Boucher of Androscoggin, the Minority Report, "Ought to Pass" was adopted and the bill was given its first reading and tomorrow assigned.

On motion by Mr. Townsend of Penobscot, the Senate voted to take from the table, Report "A", Ought Not to Pass, Report "B", Ought to Pass, from the Committee on Labor, on Bill, An Act Establishing Minimum Wages of Labor of Public Work Projects Supported by State Funds (S. P. 320) (L. D. 831) tabled by that Senator on April 10th pending motion by Mr. Hopkins of Kennebec to adopt Report "A".

Mr. TOWNSEND of Penobscot: Mr. President and members of the Senate, the idea of coping with depression unemployment and stimulating economic recovery by the expansion of public works projects has been utilized by many states and municipalities. The purpose of these projects has been to restore economic activity to a point where private enterprise will absorb the maximum amount of unemployment

and to distribute purchasing power more widely. Many of these projects failed to accomplish the desired results primarily because the prevailing wage structure was not preserved.

The public works program of the state of Maine, which will go into effect after the termination of the war, will require hundreds of laborers. If the state requires that the minimum wages to be paid on these projects shall be the prevailing wages in the localities where the projects are being carried on, the State will be serving a twofold purpose; that of completing necessary public works projects and that of maintaining the prevailing scale of wages. On the other hand, if the state pays less than the prevailing wages it will drive down the scale of wages in the localities where the public works projects are carried on, and will encourage private contractors to follow the state's example.

When state construction goes on, where the prevailing rate of wages means nothing to the contractor, it results in harm to the local workmen, his family and his community. To permit the state to aid in the disruption of stable labor conditions is not fair.

To the contractors this proposal will guarantee equality of opportunity in bidding. The competition between them will not be lessened, but it will be limited to the economy and efficiency of their managerial organizations. By removing the temptation to cut the prevailing wage rates, the advantage that unscrupulous contractors wield today in order to become the low bidders, will be effectively eliminated.

There can be no legitimate excuse when certain state departments pay wages that are lower than those paid by private contractors for similar work. If common laborers are to be employed by the state, they should be paid the prevailing wages. If the state can afford to build and maintain highways and carry on other public projects it can afford to pay wages in the same manner as a private contractor. By failing to pay the prevailing rates and by expanding the public works program, the state is actually tearing the foundation from under the wage scales for laborers and encouraging others to follow suit in depressing the wages of workers everywhere, particularly in the lo-

cality where such public works are carried on. The public works funds should not be instrumental in creating a downward trend of wages.

There is a tendency on the part of the legislature to create these public works for the benefit of veterans who might otherwise be unemployed without giving any thought that the veterans should be offered, not only jobs, but also the opportunity of receiving decent living wages.

At the end of World War One, many returning veterans found their former jobs were not available and therefore they were obliged to accept whatever work was offered to them regardless of the wages. This particular bill would give the veterans something to look forward to in that they could at least expect a decent standard of wages.

The opponents claim that this bill would make a dictator out of the Commissioner of Labor. Under the act, the Commissioner of Labor and Industry is not or could not be a dictator because the bill provides for an appeal from any wage determination made by him. The appeal may be made by two or more employers of labor or two or more laborers or the awarding public authority. The appeal to be made to the State Board of Arbitration and Conciliation which is composed of three members; one representing Industry, one representing Labor, and one representing the Public.

The opponents state that there is nothing to prevent higher wages being established than the truly prevailing wages. This will not occur because should a wage determination be made was out of line with the truly prevailing wage, an appeal could be made to the Appeal Board. A public hearing would ensue and a fair decision would be reached.

In my opinion it does not take labor out of the competitive field, but it does take labor out of the field of exploitation, and that is what is desired.

The opposition uses the argument that the state saves money when it pays laborers on road maintenance work lower wages than the prevailing wages in the community.

I maintain this reasoning is not sound. In my opinion it is an ex-

ample of false economy because when the state pays lower wages than the prevailing wages, it undermines the necessary subsistence wages of many of these laborers, thereby forcing them on to state relief. This ultimately results in additional cost to the state. It is my contention, therefore, that the State saves nothing by paying lower wages than the prevailing wages in the community.

In answer to those who argue that the determination of wages of labor should be left to the law of supply and demand, let me call your attention to the fact that labor is no longer considered a commodity.

We must remember that it is only reasonable and right that a minimum standard of wages should be set up which provides for the proper and ample living requirements of the laboring man.

This proposed legislation, if enacted, would not result in creating unrest between labor and contractor as our opponents would have us believe. On the contrary, it would result in increasing unity between the laborer and contractor both would have a definite procedure to follow should they feel that unfair wage determinations have been established; each would know that his evidence would be given unbiased consideration by the Appeal Board.

The opposition argues that there may be a considerable number of appeals, and for that reason object to the passage of this bill. I would like to call to your attention that this is merely an assumption on the part of the opponents, and is not based on facts.

A certain member of the Committee on Labor has repeatedly made the statement that this proposed bill is modeled after the Walsh-Healey Act. Which act was the Public Contracts Act passed by Congress in 1936. Because this statement has been made, I wish to discuss it briefly.

The Public Contracts (Walsh-Healey) Act of 1936 requires with certain exceptions, the following conditions of employment in United States Government contracts for materials, supplies, articles, or equipment amounting to more than \$10,000.

You will note that in the proposed bill no reference is made concern-

ing contracts for materials, supplies, articles or equipment. Instead, the proposed bill is concerned only with contracts on public works projects.

A section of the Walsh-Healey Act states that no person may be employed for more than 8 hours in any 1 day or 40 hours in any - week unless he is paid one and one-half times his regular hourly earnings for over time and in no case less than one and one-half times the minimum wage as determined by the Secretary of Labor.

You will note that in the proposed bill no reference is made in any way concerning hours of labor. Therefore I maintain this bill is not modelled after the Walsh-Healey Act.

At this time, I would like to call your attention to the sections of this bill which is Legislative Document 831, a copy of which has been placed upon your desks.

Section 1 has to do with definitions, defining terms appearing in the bill. Section 2 gives preference to veterans, Maine citizens and Maine contractors. Section 3 states that the Commissioner shall list and classify jobs and shall determine prevailing wages. Section 4 calls upon the public authority to submit lists of jobs to the Commissioner of Labor and Industry and to request the Commissioner to determine the prevailing wages. Section 5 has to do with the Appeal Board. Section 6, 7, 8, and 9 pertain to the carrying out and the enforcement of the provisions of the act.

The procedure for the determination of wages is not a complex process. Whenever prevailing wages are to be determined, the Commissioner of Labor will request all interested persons, including labor organizations, employers' associations and municipal officials to submit information concerning the rate of wages paid on similar projects in the locality in which the work is to be performed. Information sent in may include copies of written agreements between contractors and laborers that have been in effect within the preceding year in the locality of the project, and also lists of all major private and public projects in the locality which is similar to the projects proposed, along with any other related information.

Whenever the Commissioner has insufficient information he would make an investigation and possibly

hold a hearing in the locality with the local contractors, trade unions, and public officials.

At the present time the Deputy Commissioner of Labor and Industry is well acquainted with the procedure to follow to establish a prevailing wage. He is well qualified to assist in carrying out the job.

This type of legislation has been endorsed by many Maine contractors and by many Maine laborers, as well as by his Excellency, the Governor.

The Governor, in his Inaugural Message to this legislature, gave recognition to the fact that labor is entitled to this protection. I quote: "It is also appropriate to consider legislation that will predetermine the rates of labor on post war public works using the basic wage prevailing at that time for such work in the community in which the work takes place. Labor is entitled to this protection."

Endorsements have been received from many organizations throughout the state.

In his report to the Governor, for the fiscal years 1943-44 the Commissioner of Labor and Industry, Mr. Jesse W. Taylor, recommends "the enactment of a predetermined wage rate law on public works. . . ." I refer you to page 10 of this report.

The State of Maine has apparently recognized the need for this type of legislation because there is on the statutes a law requiring that wages paid on public works project shall be at least as much as those paid by the Highway Commission for similar work. However, the present law is ineffective because the act does not provide for any method of procedure or for the enforcement of its provisions.

This proposed legislation if enacted will make possible the fulfillment of the purposes intended in the provisions of the present law by setting up an adequate method of procedure and enforcement.

This bill may not be perfect in every respect, but if in any later legislature, defects appear, they can always be corrected by amendment of the law.

The enactment of the present proposal into law would assert that the state of Maine is not willing to continue to take part in contract practices that enforce the state to give aid and encouragement to the demoralization of standard local la-

bor conditions. This is the substance of the whole proposal.

Because of the state's post war public works program, the state's position in this problem is of vital importance. If this legislation is not enacted, we may soon have the condition where the term "prevailing rates of wages" will mean absolutely nothing; where local workmen are penalized simply because the contractor concerned has been able to bring into the state a cheap labor supply resulting in additional profit to himself at the expense of the local workman, his family and his community.

I hope that the motion made by the Senator from Kennebec, Senator Hopkins, to accept Committee Report A "Ought Not to Pass" does not prevail.

Mr. HOPKINS of Kennebec: Mr. President and gentlemen of the Senate: I was not worried at all last week when the Senator from Cumberland, Senator Leavitt, tried to make the elephant jump across a pit because I felt if he fell he would jump again, but I am worried about the elephant the Senator from Penobscot, Senator Townsend, is trying to make jump today. He is bradging the elephant of free enterprise which made this country great, and if he can make him jump I think it will be generations before we can get him back.

I thought I would speak from manuscript this afternoon but I am not going to. I could talk from now to six o'clock on this measure because it is one of the most important bills before this legislature.

The basis of the bill is the supposition that you can legislate living standards. If you could legislate living standards someone in the legislature would have been intelligent enough early in the session to bring in a bill to legislate the purchasing power of the people to ten or twenty percent higher than it is today, and we could go home and live comfortably until next session of the legislature, but you can not do it that way.

Now, Senator Townsend says labor is not a commodity. He says this is a labor bill because it is of greater interest to people who work in organized labor than to others. I say it is of equal importance to every man, woman and child in Maine. I have known, and heard speak, some of the national leaders in business and labor. I know

some of them. I know no man who understands all the complexities of all the regulated private economy under which this country has lived up to the present time. None of us understand it fully. It is too complex but we do know this—if you attempt to take any of the elements of free competitive economy and fix them by law, the economy of free individual action ceases to exist. Now, labor is an element of any economic system. It is a commodity. It is a basic commodity. Some time when you sit down and think carefully, you will come to the conclusion that there is nothing in human society except man, the God-given things on earth, and labor to convert the material things to use. Society is the result of the efforts of man and the constancy of nature.

This bill interests me in many ways. It gives the Commissioner of Labor the right to fix wages of course. I am not so much afraid of that man becoming a dictator, but fixing wages is a power no man ought to have. I can think of many inconsistencies that can arise under such a law. A long list could be presented of those who came before the committee in support of this bill as well as against it. I have a letter from the Maine Municipal Association in opposition. That organization is disturbed, fearing the Commissioner will fix the wage scale too high, when there is a surplus of labor and men will not be able to find work and the communities will not be able to make the necessary adjustments to take them through hard times.

I do not think, as Chairman of the Committee on Labor, that I ought to dominate the discussion of the bill. Every member of the Senate has as much interest in it as I. I do not know how far I should go with the discussion. Perhaps I have said enough.

Our greatest weakness in the past 15 years has been the tendency to legislate contrary to our ideal. We sit here and the administration sits in Washington declaring our belief in the preservation of democracy and a regulated free competitive economy properly controlled under law. That is what we say we stand for. If we do stand for it, we must not attempt to freeze prices or wages. If we freeze wages we don't also freeze living standards. Cost is an element in living stand-

ards to the same extent as is wages, and the cost of producing a commodity determines the price for which it can be sold.

This bill takes one of the major elements of a free economy and places it in the hands of a state official and then says, "In no case can it fluctuate downward." I do not know as I should mention it but I think the federal wages-hours has proven sound. Under a law controlling wages in production of commodities in interstate commerce, it is all right to establish a "floor" below which wages shall not drop, but the "floor" cannot be raised to a point where wages above it can not be adjusted to meet changing business conditions.

We of this Senate are friendly to labor. We believe in legislating for good working conditions. We believe in good working conditions and fair wages and we believe in the protection of labor, and we fight for those things. But we cannot legislate and freeze any basic element of our economy and continue as a free nation.

That is the only opposition I wish to offer to the bill and I think other members of the Senate should discuss it because it is important. I hope my motion will prevail.

Mr. TOWNSEND: Mr. President, the reference of the Senator from Kennebec, Senator Hopkins, that this legislation would freeze wages is one that I cannot go along with because that is not the purpose of the legislation and neither would it be the result. The measure would authorize and compel the Commissioner of Labor to establish rates at the time a public project was carried on in a certain community. It does not freeze wages because through readjustment in our economic set-up, wages are going to lower themselves or go higher, depending upon conditions existing in the state and nation. It is only at the time public projects are to be carried on that wage determination will prevail. It is nothing to do with freezing wages. The ultimate result and purpose of it is that by possibly lowering wages in the community, by carrying on public projects whereby a lot of money would be spent, would tend to cause wage uniformity and would benefit both the laboring man, his family and also, I believe, the whole community, and ultimately the state.

Mr. HOPKINS: Mr. President, if I were misunderstood to the extent that the Senator from Penobscot thought I meant the bill freezes wages, of course I meant it freezes them so they could not be reduced. They may move upward. They are not to be allowed to drop under this law.

Reference is made to the Walsh Healey act. There are a great many difficulties which could and probably would arise with this law on the books. We might have Miss Perkins set wages on federal jobs on one side of the street and the State Commissioner of Labor set different wages on a state job on the other side of the street. At the same time we might have the community in terrific difficulty with unemployment and doing the work up and down the middle of the street with a lower wage schedule. The whole wage structure would be out of balance. The entire matter would be complicated by preferences in the bill. You notice there are veterans' preferences in the bill. I am always tremendously interested in such preferences. I think that following the war, anything that divides our people in this country will bring trouble. Surely we feel equally kindly and indebted to all veterans and will do anything we can to help the returning veterans, but when we legislate especially, we are dividing into classes. For example, if a man has two sons, and one is three months too young to go into the service and the other goes in and serves two months, when they seek a state job, one gets ten percent credit in getting the job. Furthermore, this bill provides that the wife of a wounded male veteran, seeking a state job has ten percent mental credit. It sets up classes, one against the other.

I will go as far as anybody else to help the veterans but I think that this type of law will cause friction among our people. I believe we are coming to a period of difficult adjustment. We are going to want a solid front. We must have it if we want to return after the war to free economy, if we are going to get rid of the many regulations which today are making everyone of us law breakers. We must take a basic point of view. We must have free economy. We must pass laws consistent with these thoughts, and this bill is not consistent with them.



Mr. TOWNSEND: Mr. President, in order to clear up one point that the Senator from Kennebec, Senator Hopkins has just made that if any community has two projects carried on, one by the federal government and one by the local state government it would create confusion. I would like to inform the Senator and the Senate that it is my understanding that the federal government when it established a public works project in the city would go to the state department and ask them if they have a list of prevailing wages on public works projects. If they have, they accept the established figures as the ones they will use. If the state does not have any established prevailing wages on public works they will go into the state and establish there own wages, which is what they have to do in the State of Maine, although we do have in Maine a system which is absolutely inefficient because there is no classification of jobs and prevailing wages in the State Labor Department.

I would like to state also that there are approximately 30 states in the union that have legislation pertaining to prevailing wages on public works projects. True, there is a great variation in these laws, but nevertheless the purpose on which they are based is similar.

Mr. BROWN of Aroostook: Mr. President, I want to say first of all that I am opposed to this piece of legislation. There are about six pages there. It is all very difficult to follow. As I understand this bill, I find on page 2 at the top of the page, "Public works, all buildings, roads, streets, sidewalks, alleys, sewers, ditches, sewage disposal plants, water works and all other structures of works constructed under contract with the state, or any department or agency thereof, or any political subdivision thereof," etc. In other words, if we are building a piece of road under our road resolves or with any money the State is granted for roads, before we enter onto it, we have got to go to the Commissioner of Labor who is entitled to "list and classify" jobs and determine prevailing wages. The Commissioner shall prepare, from time to time, according to changing conditions, for the use of the public authorities whose duties it shall be to cause public works to be constructed, a list of the several jobs usually performed on various

types of public works upon which laborers are employed. He shall classify said jobs and may revise such classification from time to time, as he may deem advisable. The rate per hour of the wage to be paid laborers for construction of public works shall not be less than the rate or rates of wages to be determined by the commissioner based on the prevailing wages paid in the same trade or occupation in the locality where such work is being performed."

In other words, this would make the commissioner of labor the absolute czar of every job in the State of Maine which receives any State money whatever. I know one trouble with all this is the idea that "a man is a man if he can stand up and be counted." There is no provision as to his worth—if he is worth what he earns or not. Of course, you can pay more than that if you want to.

In our town it always has been and always will be that we have a certain type of labor which can not meet the minimum standard of labor as set up here, but if you cannot employ them they will become charges of the town. I believe it is unfair to the town or city or anyone who has money to spend, to expect the commissioner of labor will set up what wages will be paid. After the war we will have men coming back who will want to work and may not be able to work full time doing physical labor. If they can not do physical labor, that is, not enough so the director or whoever is doing the job can profit, he is not going to get the job. I can see where a lot of people who will want to work, can not work if you set up standards like that.

It is intimated that if there is a federal project on one side of the street and a local one on the other, I understand from the Senator who has previously spoken, that they will take the prevailing wages as set up on the federal project. It may be "Ma" Perkins — we hope so — and perhaps her department will set the wages on the federal project and the local one will have to follow. I think it is evidently an attempt to freeze wages at the present high level.

Everyone knows this is a boom time and wages and prices are way out of line. Everything that goes up has to come down and living costs can not decrease unless labor takes a decrease also. We can not com-

pete with the markets of the world under present wage standards and this is an attempt to keep them up there regardless of whether the cost of living and the price of commodities goes up or down.

Gentlemen, I am opposed to this bill.

Mr. TOWNSEND: Mr. President and members of the Senate, first of all I would like to make clear to the Senator from Aroostook, Senator Brown that it is the other way around. The federal government follows the state department wages; the state does not follow the federal, which would make quite a difference.

The reference that the Commissioner of Labor would make a final ruling, I disagree with for the reason that we have an appeal section to which the community carrying on the project may make their appeal. That is the purpose of it, to prevent the Commissioner of Labor from establishing wages that are not fair and are not truly the prevailing wages.

With reference to labor unions, I would like to say, in legislation of this kind, it seems to me that the state accepts some responsibility in trying to maintain a reasonable living wage for men who work on public projects. It would seem to me that the ultimate result would be to prevent and discourage men from joining the labor unions because that is the reason they go to the unions, to get aid to establish living wages for themselves.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the Senate adopt Report A, "Ought Not to Pass."

Mr. TOWNSEND: When the vote is taken, Mr. President, I ask that it be taken by a division.

A division of the Senate was had. Nineteen having voted in the affirmative and four opposed, the motion to adopt the "Ought Not to Pass" Report A, prevailed.

Sent down for concurrence.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table Senate Report "Ought to Pass with Committee Amendment A" from the Committee on Public Health on bill, An Act Relating to Public Health (S. P. 212) (L. D. 471) tabled by that Senator on April 11, pending adoption of the report.

Miss CLOUGH of Penobscot: Mr. President, I move that the Senate substitute the bill for the report, and in support of my motion, I would like to ask you to turn with me to Legislative Document 471. You will note that the bill would require compulsory vaccination against smallpox, for all children entering school, and compulsory vaccination against diphtheria for all children. The bill as I introduced it, contains two exemptions, namely, that "in lieu of such evidence a child may present to the teacher a written statement signed by a physician that the physical condition of the child is such that said inoculations would be injurious to health," and the other objection to the inoculation would be on the grounds of religious belief.

Now these exemptions were written into the bill for the reason that the persons so concerned would constitute so small a group that an epidemic would probably not start — and I have that on good authority from health officials.

My concern is mainly for the public health of the State and it is my belief it is better to have 95% immunized as against a possible 5% of those whose parents might object.

When the bill was heard before the committee, there was some objection on the ground that it was discriminatory, and the Committee reported it "Ought to Pass as Amended by Committee Amendment 'A'" which was the deletion of the words, "or a written statement made by the child's parent or guardian that they object to such inoculations on the grounds of religious belief."

Now, we have heard in large number from that group, who under the amendment, are no longer exempted, namely, Christian Scientists. Their sole objection is that this bill, as amended, interferes with their religious belief.

Since my concern is for the public health of the people of the State and the fact they are fast losing their immunity to the dread disease of small pox, for the reason that there is no compulsion to vaccination and no immunization by and large against diphtheria, I wish to substitute the bill for the report and ask you to pass on Legislative Document No. 471, which contains the original exemptions — two of them—and would, I believe, re-

move all objections on the part of the people opposed to this bill.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, some of us start off our speeches by saying we didn't intend to speak on the bill. This is not the case with me on this bill. Ever since I saw this bill introduced, I thought when it came before the Senate I would speak on it. I have not seen this bill since 1941 and probably the reason was that I was not in the legislature in 1943. We had this bill under a different title—a bill of very similar nature in 1941 and it was relating to the duties of the superintending school committee, compelling children to be vaccinated before entering school. I looked it up the other day and found it caused us to pay for having ten pages of the legislative record printed.

We have had a lot of objections to this bill. We have received letters and telegrams on this measure, opposing it—some on religious grounds but more of my correspondents wanted the bill killed outright, and I am going to move the indefinite postponement of Legislative Document No. 471.

We have had some literature and one piece which I hold here reads: "The type of smallpox being reported in the United States is generally of such a mild type that it is continually being confused with chicken-pox and it should therefore be treated and handled as a mild disease."

I hope the motion of Senator Clough does not prevail.

Mr. TOWNSEND: Mr. President and members of the Senate, as Chairman of the Public Health Committee, I would like to say at this time that I want to go along with the motion as presented by the Senator from Penobscot, Senator Clough that the bill be substituted for the report.

Mr. SMITH of Knox: Mr. President and members of the Senate: This is one bill on which I received a little mail. I am going to read just one letter. All the letters seem to be about alike. "Dear Senator: I understand that a bill for compulsory vaccination is to be voted upon in legislature this week, and wish to express my disapproval of the same. I feel that it is an infringement on my rights as a citizen of the United States, and directly opposite to the principles

upon which our country was founded.

"I would appreciate it very much if you would vote to kill this bill, which I understand is listed as L. D. 471.

Very truly yours,  
(signed) Mrs. Percy E. Demmons."

That is just about what the letters all say and I trust the motion of Senator Welch does not prevail.

Mr. HOWES of Penobscot: Mr. President, I just want to say I have over a hundred letters against this bill and fifteen telegrams and I know that a great many of these people have reasons that I have never heard anything about.

Miss CLOUGH of Penobscot: Mr. President, and members of the Senate, I did not intend to speak at length on this, but I see I shall have to take off my coat and go to work. I hope you will thank me for the fan mail.

This bill was introduced by me as the result of a conference of the members of the Public Health Committee of the last legislature and the Welfare Committee who met for the purpose of reviewing the health and welfare laws of the State with an eye to putting our house in order so that the citizens of this state might have the best possible protection in this direction. Maine has not had a compulsory vaccination law since 1924 when, for a reason that I do not know, the compulsion on vaccination against the dread disease smallpox was removed from the law. Subsequent attempts to strengthen the law in this respect have failed. In light of the fact that smallpox is a disease which may lie dormant for a while and then spring up unexpectedly to ravage a people who are not immunized against it through vaccination, it was the consensus of the conference that we should strengthen our health fences in this respect by introducing into the 2nd legislature a measure that would accomplish the immunization of citizens from smallpox and that other equally devastating disease diphtheria—both of which can be prevented by inoculation.

Because it has not been required of school children that they be vaccinated against the smallpox prior to entering school as was the case before 1924, the citizens of this state have fast been losing their immunity to the disease. "But," you will

hear people say, "we have had no evidence of the disease since then—so why make such a process compulsory?" One of the reasons that we have not had such evidence is that we have been borrowing our immunity from the states around us—every one of which, including the province of Quebec, requires vaccination of its children prior to entering school. Things have been changing rapidly in the world as you all know. With our speeded up method of travel by plane and our unguarded airports which cannot require the quarantine of passengers as is routine with passenger ships, we stand in imminent danger of an epidemic with a fertile field of prospects in the more than fifty percent of our young population who are not vaccinated.

Here are some of the facts: In 1944 there were reported 257,938 cases of smallpox in India, only 60 hours of flying time from our shores; 11,059 cases in Egypt; 1,566 cases in Italy; 8,085 in Brazil; 2,856 in Mexico. These are only a few of the countries reporting on smallpox. Now that the airplane makes it possible for persons in the incubation stage of smallpox to fly many thousands of miles we are no longer so well safeguarded by our neighbor's protecting walls.

Last year we had a particularly virulent case of smallpox occurring in Aroostook County. The victim was a postmistress who handled a good deal of mail. The circumstances surrounding the discovery of the disease and the subsequent handling of it impressed upon the minds of our health officials—those who had to deal with it—how easily an epidemic might have been started, unimmunized as many are against it. Smallpox can be prevented by the simple, and harmless method (if done by a physician who knows his business) of inoculation. The vaccine is scientifically processed by reputable pharmaceutical houses and is and has been for these many years offered free of charge by the State Department of Health—to everybody in the State of Maine. It is foolish to suppose that an epidemic of smallpox cannot break out here at any time. But, you say, if it does we can then be inoculated. Indeed, the law requires it. True, but why lock the barn after the horse is stolen? Smallpox is a hideously disfiguring disease if in-

deed the victim recovers at all. Often it causes complete blindness and leaves other crippling results that haunt its victim all their days. It is an expensive disease, requiring complete isolation and skilled nursing and treatment. If we were to have an epidemic today—for the reasons I have indicated—I believe you can all well imagine to what expense the communities would be put to find proper isolation quarters for its victims, not to mention the nurses who would be required in this day when the shortage in this direction is extremely serious. And were such epidemic to occur, the citizens of Maine could look squarely to the legislature for the blame—that we realized it might happen and did not do all in our power to prevent that which is so easily prevented—through building that immunity among our young citizens which would prevent it.

I have some authoritative evidence here, taken from our Department of Health which seems to me to be worth telling. It concerns the average annual smallpox case rate per 100,000 population between 1938 and 1941 when these figures were made available. In states requiring vaccination for admission to school, namely Arkansas, Kentucky, Maryland, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia and the District of Columbia the rate was 0.8. In states where vaccination may be required at all times, Connecticut, Georgia, Maine, New Jersey, Ohio and Oregon, it was 3.0; in states having various permissive provisions, Alabama, Colorado, Kansas, Michigan, Miss., North Carolina, Tennessee and Wyoming, it was 4.3; states where vaccination is required only when smallpox is present or threatened it was 10.2; in states having no important provisions regarding vaccination, namely, Delaware, Florida, Idaho, Illinois, Indiana, Missouri, Nevada, Oklahoma and Vermont it was 11.1; and in states having prohibitive provisions requiring of vaccination which are California, N. Dakota, S. Dakota, and Washington, it was 11.6.

It is a telling fact, also, that the army and navy have required that every member of our armed forces be vaccinated against smallpox and immunized against diphtheria—among other preventative measure

utilized by it, that our boys and girls may be given all that science can do for them to keep them safe from disease. Surely they will look to us on the home front to be as wise—knowing that we have it in our power to do that their families and future generations may not have to suffer and die from disease that can be readily prevented.

Your attention is called now to this little pamphlet with which we have been honored through some instructed source. I urge you to read it carefully if you have not already done so. It is a masterpiece of unsupported statement, annotated with statements from seemingly authoritative sources—statements which removed from their whole text insinuate by inference what we are supposed to believe as “whole truth.” Surely this is a type of propaganda that we have come to distrust—a method so successfully employed by the leaders of people from whom the whole truth has been held—the books burned—in order that the single idea of “the leader” may make its hold. The weight of medical knowledge is totally against such statement as is set down here. I could quote you reams to bear this out. Let me cite just one instance:

I turned at random to a page in the book of Dr. Victor Hieser—*An American Doctor's Odyssey*—who served variously as Chief Quarantine Officer for the U. S. Bureau of Health and in other high positions of this order for our country. In the chapter entitled the Heavenly Flower he makes this observation, “The microbe which causes smallpox has never been discovered.” Excellent propaganda of the sort which is contained in this pamphlet which is before us if it were to stop there.

We continue: “But the disease is one of the most contagious of all human afflictions.” And preceding, “Smallpox is as loathsome as leprosy and claims many more victims. Millions of people, who could so easily have been saved, have died of this disease. Hundreds of thousands have been doomed by smallpox to lifelong blindness. Every bazaar in India is filled with these helpless and pitiful matyrs, groping their way through eternal darkness, or led stumblingly about by those who are already overburdened with poverty and sickness. This heart-breaking condition is due to the stubborn refusal to accept the sim-

ple and effective remedy that science has to offer. The world, if it so willed could be free of this most horrible disease.” And so on for a chapter.

And from the Seventh Edition Revised of the Textbook of Bacteriology by the authorities Hans Zinsser and Stanhope Bayne-Jones than which there is no higher authority—Chap. 61, page 894, “Smallpox or variola is one of the most virulent of infectious diseases. Throughout history it has been a severe scourge of mankind, prevailing in China and other eastern countries many centuries before Christ and sweeping through medieval Europe, especially at the time of the Crusades in a series of severe epidemics. All races of men are susceptible and no age from childhood to senility is exempt. In modern times the disease is epidemic in most uncivilized countries, especially in the East and occurs sporadically in all parts of the globe. Owing to rigid enforcement of vaccination and of quarantine laws, however, the disease has been greatly reduced in civilized countries.” And later on after a description of the scourge the disease can be where immunity is not definitely established through comprehensive vaccination” — “Smallpox vaccination is one of the few public health measures for which we believe compulsory legislation is justified. Relaxation of the laws has always led to outbreaks. We are sure that vaccination is responsible for the practical elimination of the scourge which was the most dreaded affliction of human beings in the middle ages and considerable later.”

I asked a physician of high standing in this state what he felt would be the result if we were to have an epidemic. After stating that he hoped I was concerned with the fact that an epidemic was by no means an impossibility with us at the present time he said: “With the partial immunity which we now have in this state, smallpox could claim as high as 30 or 40 percent of our population. Do you realize that it could happen more suddenly than any blitz — especially in light of the fact that in its early stage it appears much like chicken-pox.”

We have been told, we are told, we will be told. It can happen here. It may well happen here if we do not now recognize this fact and do our duty.

And now for the second half of the bill which provides for immunization against another equally dread disease, diphtheria. I do not know if you are aware of this fact: that a large outbreak of diphtheria occurred here in Maine a few years ago following several years when the diphtheria incidence had reached what was believed to be an alltime low. It is not inconceivable that such an outbreak could occur again if unimmunized persons were exposed.

In the 911 cases of known ages reported by the Department of Health for Maine in the thirteen years between 1932 and 1944, 481 were under 10 years of age and 308 of the 481 were in the second half of their first ten years; namely, in the age group which would be most affected by a compulsory diphtheria immunization as a requirement for admission to school. The financial burden to the families of these little victims and to the taxpayers, incidentally, must have run into several thousands of dollars which does not at all take into consideration the mental anguish of parents. This too, could have been prevented. Its re-occurrence can be prevented, if we but pass this measure before you.

Senators, I am but a little voice: "Must we have an epidemic, claiming the lives of our citizens, before we learn what we should do?" I impore you to consider it well, and I trust, with all my heart, that you will not, for the reasons I have given, support the motion of the Senator from Aroostook, Senator Welch, to indefinitely postpone this measure.

Mr. CURRIER of Androscoggin: Mr. President and members of the Senate; I, too, have received many letters, some of them outstanding in similarity, apparently all on the same size paper, apparently the same typewriter, and apparently signed with the same hand but with different names. I hope the Senate will not put too much importance on the letters we have received in the last two days, and I sincerely hope the motion of the Senator from Aroostook, Senator Welch, will not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I would like to point out that these letters we received all came after the amendment had been passed which took away the two exceptions in the bill. In other words, from all I can find out,

and I talked with several people who wrote letters—I called them up—they have little or no objection to the bill as proposed now by Senator Clough, and I do hope that the motion of the Senator from Aroostook, Senator Welch, does not prevail.

Mr. DOW of Oxford: Mr. President and members of the Senate, I very nearly forgot to keep the promise I made to say a word or two on my position on this measure. I didn't discover this bill was here until after most of the committee hearings were over, and I noticed it came out with Committee Amendment "A". We struck out something which I believe should have been left in the bill and that was that part of the bill which says, "or a written statement made by the child's parent or guardian that they object to such inoculations on the grounds of religious belief." I know there are quite a number of those, although I am not one of them, who do object on religious grounds; and for that reason it disturbs me to find it stricken out. I have done quite a bit of walking around and talking with people regarding this bill, and I would be pleased to see the bill substituted for the report. I think those people are sincere and I believe they should be given that exemption. This takes care of some of my objections and I hope that the bill will be substituted for the report.

Mr. GOOD of Aroostook: Mr. President and members of the Senate, I was not before the committee on this bill when it came up before the Committee on Public Health, but I remember we had something like this either two or four years ago—Senator Welch says it was four years ago—and I am not sure but we had it two years ago also. I was opposed to it four years ago. I was opposed to it two years ago and I am opposed to it today.

I think it is the most discriminatory bill we have had before the legislature this year. I think there are other matters here that complicate—we sometimes call it red tape—such as the provision that the parents must give a written statement that they can present to the teacher, "signed by a physician that the physical condition of the child is such that said inoculations would be injurious to health." It says further in the bill that anyone vio-

lating the provisions shall be fined \$50, that is, if they don't comply with all the rules and regulations. I know that Christian Scientists object to it. As Senator Dow said a few minutes ago, I am not a Christian Scientist, but they have a right to their religious beliefs the same as other people in America.

I hate this legislation which forces people to do something all the time against their will. I thought it was brought out in the hearing, but I must be wrong, according to Senator Clough, and I expect she is right—I thought there had not been a case in the State for years and years. She says there has been one case and I guess she knows. I could be wrong. I know of two cases in my section of the country where they were inoculated and nearly died, and the doctor told them in no uncertain terms never to be inoculated again as possibly it would mean death. I know a girl who will be practically a cripple for the rest of her life. I do not know whether it just happened, but anyway, it did happen and the doctor said it was on account of the inoculation.

I don't think it is time now to pass legislation like this. As I said before, I think it is purely discriminatory, and therefore, I am opposed to it, and I hope the motion of the Senator from Aroostook, Senator Welch, does prevail.

Mr. WELCH of Aroostock: Mr. President and members of the Senate, I hate to disagree with the Senator from Oxford, Senator Dow, but I cannot see yet why we should substitute the bill for the report. Some people's beliefs are that they should not be vaccinated. Some other people, if that is not their religious belief, would be forced to be vaccinated. When the vote is taken, Mr. President, I ask for a division.

Mr. DOW of Oxford: Mr. President, I do not know as I can answer that question to the satisfaction of the Senator, but I can answer it to my own satisfaction. The general law is for public policy. Religious freedom is for a person to worship as he sees fit. Let's not be sentimental about this, but I have two boys in the service, one in the Army and one in the Navy. Neither was vaccinated before he went into the service. When they entered the service, it was compulsory. I believe up to that time

their mother's faith took care of them regardless of any bill of this sort.

Mr. TOWNSEND: Mr. President, I would like to quote a letter from Dr. Allen Craig, of the Eastern Maine General Hospital. I think it sums up the reasons for the passage of the bill:

"Dear Senator:

"It is my understanding that a bill concerning vaccination against small pox and certain other immunization procedures is coming up for consideration by your committee this week. I sincerely hope that this bill will be approved because the state is in a very hazardous position at the present time.

"Over a period of years with no compulsory vaccination law there is a general drop in the ability of the population as a whole to resist such diseases as small pox. We here in Maine are constantly exposed to the possibility of an epidemic arising from various sources, such as lumber camps, etc. About two years ago, we had a severe case of small pox brought to our hospital in Bangor from down in the neighborhood of Vanceboro. If it had not been for the prompt action of the State Department of Health, this patient, who was a post-mistress, might easily have been the center of a wide spread epidemic.

"It is not sufficient that we provide means to undertake counter-measures when cases are discovered. The time to prevent such serious epidemics, which can and will occur if we do not have wide spread vaccination, is before the cases occur. Our State Department of Health is under a terrible handicap, if it is not given the means to protect our people. We are, in my opinion, under a moral and legal responsibility to provide this protection and I sincerely hope that this vaccination and immunization measure will be put into effect.

Yours very sincerely

(signed) Allen Craig, M. D.

Medical Director Eastern Maine  
General Hospital. "

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that the report be indefinitely postponed. A division of the Senate has been asked.

A division of the Senate was had.

Fifteen having voted in the affirmative and sixteen opposed, the motion to indefinitely postpone did not prevail.

Miss CLOUGH: Mr. President, I move that the bill be substituted for the report, and I ask for a division.

A division of the Senate was had. Seventeen having voted in the affirmative and thirteen opposed, the motion to substitute the bill for the report prevailed.

Sent down for concurrence.

The PRESIDENT: The Chair will state for the information of the Senate that an Order just came from the House to the Senate. The Chair knows nothing about the Order. Is it the pleasure of the Senate to take up out of order an additional Order just received from the House? The Chair hears no objection and the Secretary will read the Order:

#### Joint Order

ORDERED, the Senate concurring, that Resolve Authorizing the Commissioner of Agriculture to Employ a Poultry Expert (L. D. 655) be recalled to the House from the Governor.

On motion by Mr. Bishop of Sagadahoc, the Order received a passage in concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table, bill, An Act to Remove Floating Islands in Corundell Lake in Corinna (H. P. 1255) L. D. 880) tabled by that Senator on April 16 pending motion by the Senator from Aroostook, Senator Brown to indefinitely postpone the bill.

Mr. HOPKINS of Kennebec: Mr. President, I tabled this bill yesterday in order to have an opportunity to secure information which might be of value in giving consideration to this bill. In the discussion yesterday it developed it might be of some importance to know whether the floating islands were islands that came from the bottom of a great pond of the state or islands originating from flowage from an artificial pond. No one seemed to know at the time whether or not there was a great lake at Corinna at this place prior to the construction of the dam some years ago. I tried to find out if there was a pond prior to the construction of the dam. I want to report to the

Senate that I have a photostat of a map made sometime prior to the construction of the dam and it does not show — it indicates but does not prove — there was not a pond there at the time. I have also a brief history of Corinna which makes no reference to a pond at that location.

Among other things, there is a quotation in this history that in the year 1815 "Main Street was a foot path through a cedar swamp." Another section says in 1814 "There was only a muddy tow-path through where Corinna village now stands." This quotation does not prove there was not a great pond at the location of Corundell Lake prior to the construction of the dam, but does perhaps indicate with some validity the history of the place. I do not wish to appear for or against the bill, but present this for what it is worth.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, when I agreed to take hold of this matter and assist in getting it passed by the Senate, apparently I got hold of a hot potato but having got hold of the hot potato I am going to hang on to it until I have proven entirely to my satisfaction that Corundell Lake in the town of Corinna is not a great pond. Up to now I believe the law has been pretty well settled. I have cited the authority on which I relied, that it is a great pond and no one on the other side has yet shown me any authorization to the contrary that I am not right in my proposition as to what a great pond is. Now, today, the Senator from Kennebec, Senator Hopkins for whom I have the highest respect and who is an engineer, produces here some maps that I have not seen, although he says now that I may have the opportunity to see them as may any other Senator who cares to. But not having seen them, I wonder if I have been reliably informed and if I have not been reliably informed, he will correct me.

Someone to whom he has shown those maps said that there are only shown on the map 12 to 14 ponds or lakes in the whole of Penobscot County. If I am wrong in that, he will tell me so. The party who is interested in this bill and solicited my efforts to represent him and the people that he represents, upon the floor of this Senate has told me from the beginning, and I have no doubt has informed the committee



that Corundel Lake is a great pond; that is, a pond containing more than ten acres of territory and it is upon that assumption that I agreed to take this bill and handle it to the best of my ability.

I don't recall that I was ever in the town of Corinna and I know no one there, but I am informed from the State Fish and Game Department that there are in Penobscot County today 180 lakes and ponds. Now that is lakes of all sizes of course, 180 lakes. I don't have the information here, it has not been shown to me. But it was perfectly proper and honorable for the Senator to proceed as he has with these maps. Perhaps those maps were made when the main street of Corinna was a cow-path. Perhaps they did not consider a pond of ten acres of sufficient size to bother to put on the map. That is not a large pond and that may be the reason it does not show, but the Senator in his fairness, and he is fair about it, fair to me and to the Senate—even with the information furnished, he say it does not prove that there was not a pond there of ten acres many many years ago. That is a fair statement and I appreciate his making it.

Until I can have more light, I am going to hang on to this hot potato. I feel that I am right on my law. Certainly there has been no law shown to the contrary. Even this morning, I went down to the library to get the Wisconsin Report that I might have it here to quote from if necessary, but I find someone has removed it from the files and I can not get it. That was true at half-past nine this morning. I sent it back by a messenger the day we took up the proposition. It is not down there now. Perhaps someone has taken it out in good faith to read that decision to see whether or not I was quoting from it correctly. They had a right to and it may be in the proper hands.

Now, has there any argument been presented here that there is not a menace and a serious menace lying at the foot of Corundel Lake now? It is a lake now and it was a lake when these islands went adrift. I believe there is a menace. However, if they are not removed, a situation may arise that those bogs or floating islands might go over the dam. If they do there will result a serious loss in property if not in life. If they go over the dam

I have no doubt but what they will take out the bridge and the state of Maine certainly will have to put it back or assist in putting it back. It will cost considerably more than what is asked for in this resolve, to remove the islands now before any further damage is done.

It seems useless for me to discuss this matter further with the members of the Senate. I know some of you now, from the looks I see, are more or less amused, and laughing about it, taking it as somewhat of a joke. It is not a joke. I am serious about it. It is not a joke to the people of Corinna. It is a serious matter and I think we should do something about it. This makes three debates on this matter since the start. As I understand the parliamentary situation, the question is on the motion of the Senator from Aroostook, Senator Brown that the bill be indefinitely postponed. I hope that motion will not prevail. I don't believe you Senators are sufficiently satisfied in your own minds but what there is an obligation upon the state. When the vote is taken, Mr. President, I ask for a division.

Mr. HOPKINS: Mr. President, I'd like to make this statement, that these maps are for the use of the Senator from Washington, Senator Dunbar, and they are at his disposal, or for any member of the Senate. There are some 20 lakes shown here.

Mr. CLEMENTS of Waldo: Mr. President and members of the Senate, I wish to state the only reason I signed the report that I did is because I believe that if the dam were taken away there would be no floating islands and there would be no menace to anyone. It is a man-made proposition. They have received the benefit of the water. They of the town have built it up and the citizens of the town have had employment through the use of water in the mills and as I say, it is a man-made proposition and they should take care of it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brown, that the bill be indefinitely postponed. Is the Senate ready for the question?

Mr. BROWN: Mr. President, I ask that the vote be taken by a division.

A division of the Senate was had. Eleven having voted in the affirmative and twenty opposed, the

motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Dunbar of Washington, the bill was passed to be engrossed in concurrence.

On motion by Mr. Howes of Penobscot, the Senate voted to take from the table House Report from the Committee on Agriculture "Ought to Pass" on bill, An Act to Provide a Tonnage Tax on Commercial Fertilizer (H. P. 116) (L. D. 668) tabled by that Senator on April 16 pending adoption of the report in concurrence.

Mr. HOWES of Penobscot: Mr. President, I tabled this bill after I had several telephone conversations in Bangor with phosphate men and they asked me to send them the amendment, which I did. They just called me a few minutes ago. They are satisfied with the bill as it came from the committee, I think with a three cent tax but they don't want the amendment.

I move the indefinite postponement of the amendment to this bill.

The PRESIDENT: The Chair would request the Senator to withhold his motion to indefinitely postpone the amendment until it comes before the Senate. The question is on the adoption of the report of the committee.

Thereupon, the report of the committee was adopted and the bill was given its first reading.

The Secretary read House Amendment "A".

Mr. HOWES: Mr. President, I move the indefinite postponement of House Amendment "A".

Mr. GOOD of Aroostook: Mr. President, I have not a great deal to say on this as I don't think there is anyone who cares for the amendment. The three cent a ton tax seemed to be the fairest way to take care of this. I suppose you know the reason for this. Back a few years ago when the government took over the fertilizer works, they eliminated a certain number of brands and allowed the fertilizer companies to make only certain brands. They eliminated about half of them and it left about half the money to take care of inspection, for the field workers going around and taking samples and analyzing the fertilizer so that the farmers using the fertilizer

would not be gypped. They felt a three cent a ton tax was the fairest way they could get that money.

Now, some of the objection, as I understand it, is that Canadian fertilizer comes over here and they generally ship about two brands and they can ship thousands and thousands of tons in here, and maybe it will only cost \$50 or perhaps \$25 on a brand and they can get thousands of tons in here.

We feel if three cents a ton tax is fair to us and we are willing to pay it, our good friends from Canada who are shipping over here should be willing to pay a tax of three cents a ton for the expense of testing it and seeing it is right. They feel we should not do it, and I do not think it is any good and I hope the motion to indefinitely postpone the amendment will pass.

Mr. BROWN of Aroostook: Mr. President, I want to oppose this amendment. Ever since we have had inspection, or approximately, fertilizer companies have been required to pay a certain amount when they register their brand for each of the three ingredients which go to make up the fertilizer—nitrogen, potash and phosphoric acid, and it seemed to work pretty well until the war came on and there were a great many restrictions in a great many brands as they had to make as many analyses as they did before, in order to see they were up to guarantee, and because they had to pay more for labor than they had been paying, the fees received from the registration of brands did not pay the entire cost of the analyses, so the idea was conceived that we should put on a tax per ton, and that was the original bill, and I believe it is fairest to the manufacturer and fairest to the farmer of any way of assessing.

They want to go back to the old system by increasing the fees for analysis to make up the deficit. It is perfectly plain under the old law that regardless of the amount of fertilizer sold, you only paid a stated fee.

Now, all small fertilizer companies in the state do make up a lot of brands for different things and the government allows them to do it. It may be one man will want 20 tons of one kind to put on an orchard. Another analysis may be wanted by strawberry growers and another analysis for someone raising garden crops. I might say there

are some Canadian firms shipping thousands of tons of fertilizer into Aroostook County, so it seems to me the fairest way for everyone concerned, is a straight tax per ton, and not a tax as we had in the past as provided in this amendment, whereby the man who buys 20 tons will pay as much as the man who ships in 20,000 tons. I hope the motion to indefinitely postpone the amendment will prevail.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, this is a pretty small piece of legislation but it has been tossed around for two years. During that time the state has had to pay out money in the amount of \$3,000 to \$4,000 a year. It is absolutely not justified. This is one of the self supported activities in the state. The fertilizer companies are anxious to have the fertilizer inspected by a neutral department, a state department, and the consumer, or farmer who uses the fertilizer want it inspected too. They are both perfectly willing to pay. Now why this state should go on for two years or more than two years, to satisfy some of the whims of local agents, is beyond reason. I do not believe there is an agent in the state who would dare to come out and say he did not approve of the tonnage tax for fertilizer.

It is the only fair, sound and equitable way of taxing this fertilizer for inspection purposes.

I trust the motion of the Senator from Penobscot, Senator Howes will prevail.

A viva voce vote being had

The motion to indefinitely postpone House Amendment A prevailed.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed in non-concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table Resolve to Create a Commission to Study the Atlantic Salmon (H. P. 1436) (L. D. 1120) tabled by that Senator on April 12, pending passage to be engrossed in concurrence; and on further motion by the same Senator, the Resolve was passed to be engrossed in concurrence.

On motion by Mr. Sterling of Somerset, the Senate voted to take

from the table bill, An Act Relating to the Prevention of Forest Fires (H. P. 1006) (L. D. 552) tabled by that Senator on April 11 pending adoption of Senate Amendment A; and that Senator yielded to the Senator from Aroostook, Senator Welch.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I offered Senate Amendment A the other day, but due to the fact that Senator Sterling has another amendment which covers the same subject matter, I now ask leave to withdraw the amendment.

Leave to withdraw Senate Amendment A was granted.

Thereupon, the Senator from Somerset, Senator Sterling presented Senate Amendment B and moved its adoption; and on further motion by the same Senator, the bill and accompanying papers were laid upon the table pending motion by the Senator from Somerset, Senator Sterling to adopt Senate Amendment B.

On motion by Mr. Owen of Kennebec, the Senate vote to take from the table House Report "Ought to Pass in New Draft (H. P. 1429) (L. D. 1110) from the Committee on Judiciary, on Resolve in Favor of a Special Recess Committee to Study the School Pension and Retirement Laws of the State and Report to the Next Regular Session (H. P. 649) (L. D. 552) tabled by that Senator on April 12 pending adoption of the report in concurrence.

Mr. OWEN of Kennebec: Mr. President, at the time this Resolve was tabled there were several matters pending before the legislature in regard to pensions. Since that time some of these have vanished and I think the necessity for something to be found out about the situation in the state of Maine in regard to pensions of all kinds, is more apparent now that it was then. I was interested in a letter from an actuary, read to us by Senator Dow a short time ago, acquiescing in that belief.

Personally, I am allergic to recess committees and I somehow feel I should lay aside this prejudice. I therefore move the adoption of the committee report.

The motion to adopt the report of the committee "Ought to Pass in New Draft" prevailed and the bill was given its first reading; House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second read-

ing and passed to be engrossed in concurrence.

On motion by Mr. Townsend of Penobscot

Adjourned until tomorrow morning at ten o'clock.