

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 22, 1947.

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

Prayer by the Rev. Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

Paper from the Senate

From the Senate: Resolve in favor of Arthur Viger, of Biddeford (S. P. 79)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Resolve in favor of the Civil Air Patrol (H. P. 151) (Presented by Mr. Allen of Portland)

(Ordered printed.)

Resolve in favor of the Maine Historical Society (H. P. 152) (Presented by Mr. Chase of Cape Elizabeth)

(Ordered printed.)

Resolve in favor of the Belfast Home for Aged Women (H. P. 153) (Presented by Mr. Clements of Belfast)

(Ordered printed.)

Sent up for concurrence.

Banks and Banking

Bill "An Act relating to the Investment of Deposits by Savings Banks and Trust Companies" (H. P. 154) (Presented by Mr. Weeks of South Portland)

(Ordered printed.)

Sent up for concurrence.

Claims

Resolve in favor of Alton R. Lawler of Brockton (H. P. 155) (Presented by Mr. Brown of Woodland)

(Ordered printed.)

Resolve in favor of Benjamin H. Jones, of Woodland (H. P. 156) (Presented by same gentleman)

(Ordered printed.)

Resolve to Reimburse the town of Kingfield for Support of Charlene Burgess (H. P. 157) (Presented by Mr. Carville of Eustis)

(Ordered printed.)

Sent up for concurrence.

Resolve in favor of Clarence Pierce, of Princeton (H. P. 158) (Presented by Mr. Brown of Woodland)

Resolve in favor of Stewart L. McGlinchey, of Portland (H. P. 159) (Presented by Mr. Haskell of Portland)

Resolve in favor of Almon D. Hodgkins of Bar Harbor (H. P. 160) (Presented by Mr. Holt of Bar Harbor)

Resolve in favor of Del Bissonette, of Winthrop (H. P. 161) (Presented by Mr. Marsans of Monmouth)

Resolve in favor of Normal L. Higgins, of Litchfield (H. P. 162) (Presented by same gentleman)

Resolve in favor of Ralph D. Brann, of Gardiner (H. P. 163) (Presented by same gentleman)

Resolve in favor of Paul J. White, of Norway (H. P. 164) (Presented by Mr. McKeen of Lovell)

Sent up for concurrence.

Counties

Bill "An Act Compensating Gardiner G. Deering, of Bath, for Duties as Recorder" (H. P. 165) (Presented by Mr. Legard of Bath)

(Ordered printed)

Sent up for concurrence.

Education

Bill "An Act relating to Use of Mechanical Equipment in Schools by Children" (H. P. 166) (Presented by Mr. Lord of Camden)

(Ordered printed)

Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers" (H. P. 167) (Presented by Mr. Russell of Gorham)

(1000 copies ordered printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Probation Period for Members of the State Police" (H. P. 168) (Presented by Mr. Brewer of Presque Isle)

(Ordered printed)

Bill "An Act relating to Proceedings to Bar Action on Undischarged Real Estate Mortgages" (H. P. 169)

(Presented by Mr. Poulin of Water-ville)

(Ordered printed)

Bill "An Act Defining and Authorizing the Use of a System of Plane Coordinates for Designating and Stating Positions of Points on the Surface of the Earth Within the State of Maine" (H. P. 170) (Presented by Mr. Robbins of Houlton)

(Ordered printed)

Sent up for concurrence.

Labor

Resolve Proposing an Amendment to the Constitution Defining the Rights and Responsibilities of Labor (H. P. 171) (Presented by Mr. Chase of Cape Elizabeth)

(Ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Grant a New Charter to the City of Belfast" (H. P. 172) (Presented by Mr. Clements of Belfast)

(Ordered printed)

Sent up for concurrence.

Pensions

Resolve Providing for an Increase in State Pension for Georgie Bearce Turner, of Ashland (H. P. 173) (Presented by Mr. Ellis of Castle Hill)

Resolve Providing for State Pension for Dorothy E. Bates, of Hallowell (H. P. 174) (Presented by Mr. Fuller of Hallowell)

Resolve Providing for an Increase in State Pension for Daniel H. Meader, of Hallowell (H. P. 175) (Presented by same gentleman)

Resolve Providing for a State Pension for Eunice E. Hutchins, of Mexico (H. P. 176) (Presented by Mr. Stetson of Dixfield)

Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Naples Water Company" (H. P. 177) (Presented by Mr. Bove of Naples)

(Ordered printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act to Increase the Clerk Hire in the Office of Recorder of the Portland Municipal Court" (H. P. 178) (Presented by Mr. Haskell of Portland)

(Ordered printed)

Bill "An Act to Increase the Salary of the Register of Deeds in Cumberland County" (H. P. 179) (Presented by same gentleman)

(Ordered printed)

Bill "An Act to Provide for an Increase to be Paid for Clerk Hire in the Office of the Register of Deeds in the county of Cumberland and Salary of Deputy Register of Deeds" (H. P. 180) (Presented by same gentleman)

(Ordered printed)

Bill "An Act to Increase the Salary of the County Commissioners for Cumberland County" (H. P. 181) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to Salaries of Judge and Recorder of the Bath Municipal Court" (H. P. 182) (Presented by Mr. Legard of Bath)

(Ordered printed)

Bill "An Act Increasing the Salary of the County Treasurer of Sagadahoc County" (H. P. 183) (Presented by same gentleman)

(Ordered printed)

Bill "An Act Increasing the Salary of the Register of Deeds in Sagadahoc County" (H. P. 184) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to Clerk Hire in County Offices in Sagadahoc County" (H. P. 185) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to the Salary of the Judge of the Lisbon Municipal Court" (H. P. 186) (Presented by Mr. Plummer of Lisbon)

(Ordered printed)

Bill "An Act relating to the Salary of the Recorder of the Brunswick Municipal Court" (H. P. 187) (Presented by Mr. Weeks of South Portland)

(Ordered printed)

Bill "An Act relating to Salary of Clerk of Courts and Deputy Clerk of Courts of Cumberland County" (H. P. 188) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

State Lands & Forest Preservation

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Mrs. Lester Hayward of Lambert Lake (H. P. 189) (Presented by Mr. Brown of Woodland)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Land in Franklin County to Timberlands, Inc., of Dixfield (H. P. 190) (Presented by Mr. Stetson of Dixfield)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Interests of the State in Lands in Washington County to Alvah B. Alexander et als. of South Gardiner (H. P. 191) (Presented by Mr. Tabb of Gardiner)

(Ordered printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Exemptions from Taxation (H. P. 192) (Presented by Mr. Haskell of Portland)

(Ordered printed)

Sent up for concurrence.

University of Maine

Bill "An Act relating to Construction of Dormitories at the University of Maine" (H. P. 193) (Presented by Mr. Chase of Cape Elizabeth)

(Ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act relating to Parkways and Freeways" (H. P. 194) (Presented by Mr. Holt of Bar Harbor)

(Ordered printed)

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations" (H. P. 195) (Presented by Mr. Hayward of Machias)

(Ordered printed)

Sent up for concurrence.

Resolve in favor of Cary Plantation (H. P. 195) (Presented by Mr. Corson of Hodgdon)

Resolve in favor of the town of St. George (H. P. 197) (Presented by Mr. Emerson of North Haven)

Resolve in favor of the town of Isle au Haut (H. P. 198) (Presented by same gentleman)

Resolve in favor of the town of North Haven (H. P. 199) (Presented by same gentleman)

Resolve in favor of the town of Vinalhaven (H. P. 200) (Presented by same gentleman)

Resolve Appropriating Money for a Dam on the Marsh River (H. P. 201) (Presented by Mr. Foley of Winterport)

Resolve in favor of the town of Machiasport (H. P. 202) (Presented by Mr. Hanson of Machiasport)

Resolve in favor of the town of Weld (H. P. 203) (Presented by Mr. Jennings of Strong)

Resolve in favor of the town of Avon (H. P. 204) (Presented by same gentleman)

Resolve in favor of the town of

Strong (H. P. 205) (Presented by same gentleman)

Resolve in favor of the town of New Vineyard (H. P. 206) (Presented by same gentleman)

Resolve in favor of the town of Industry (H. P. 207) (Presented by same gentleman)

Resolve in favor of the town of Yarmouth (H. P. 208) (Presented by Mr. Lombard of Yarmouth)

Resolve in favor of the town of North Yarmouth (H. P. 209) (Presented by same gentleman)

Resolve in favor of the town of Bremen (H. P. 210) (Presented by Mr. Palmer of Nobleboro)

Resolve in favor of the town of Damariscotta (H. P. 211) (Presented by same gentleman)

Resolve in favor of the town of Nobleboro (H. P. 212) (Presented by same gentleman)

Resolve Reallocating Road Resolve Money Previously Allocated to Road in Damariscotta (H. P. 213) (Presented by same gentleman)

Resolve in favor of the town of Wiscasset (H. P. 214) (Presented by same gentleman)

Resolve in favor of the town of Dresden (H. P. 215) (Presented by same gentleman)

Resolve in favor of the town of Palmyra (H. P. 216) (Presented by Mr. Rich of Detroit)

Resolve in favor of the town of Pittsfield (H. P. 217) (Presented by same gentleman)

Resolve to Provide for Reimbursing the town of Hermon for Emergency Road Work (H. P. 218) (Presented by Mr. Thomas of Hampden)

Sent up for concurrence.

Orders

On motion by Mr. Allen of Portland, it was

ORDERED, that Bill "An Act Creating the Department of Veterans' Affairs" (S. P. 35) be printed.

Orders of the Day

On motion by Mr. Bell of Thomaston, the House voted to take from the table the first tabled and unassigned matter, Bill "An Act Relating to the Salary of the Treasurer of State (S. P. 36) In Senate January 8th referred to the Committee on Salaries and Fees; in the House tabled by Mr. Bell on January 9th, pending reference in concurrence; and on further motion by Mr. Bell the Bill was referred to the Committee on Salaries and Fees in concurrence.

On motion by Mr. Chase of Cape Elizabeth, the House voted to take from the table the second tabled and unassigned matter, Joint Resolution Relating to Policy for the University of Maine (H. P. 75) tabled by that gentleman on January 15th pending reference.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I move that this resolution be referred to the Committee on University of Maine.

I should like to speak again in regard to the purpose of the resolution which has been printed as L. D. 62, to which you may have occasion to refer during the course of my remarks; but first I should like to take advantage of this opportunity to correct a misunderstanding due to an erroneous newspaper story on the University of Maine, to the effect that the University endorsed the bill which is before the Legislature to appropriate money for a Maine Medical School. This account was in error. I intend no allusion to the merits of the bill whatever, but I should like to have it understood that the trustees of the University of Maine have taken no position whatever, either in favor of or in opposition to this bill.

And now with respect to this resolution itself; As I said the other day, the resolution is to be considered as an outline around which it is hoped the Legislature may formulate some declaration of policy which will guide the trustees and give them the best information they can get as to the purpose of the people of the State with respect to the University of Maine and with respect to its long-term policies.

The University is now operating under an emergency condition, and it is highly important that the trustees should know as soon as possible what the State does want our aim to be, looking ahead two to four years.

Now you know that I have not served as a trustee of the University of Maine for eighteen years without having a high opinion of the usefulness of that institution, and I do not propose here to indulge in any praise of the University at all, for I know that what you want to know is not what can be said in favor of the University but what is the matter with it, what are the corners in

which you might look for a little dirt if you looked hard enough.

Now the University of Maine, in common with all public institutions, has one thing the matter with it. It was formed by the State long ago for a particular purpose, and the people who were in charge of its early operation were imbued with that purpose; but, like all public institutions, as it grew old it acquired a purpose of its own. It became an organism, like all departments of the State government, and, as it grew up, naturally enough and humanly enough, it tended to create a purpose of its own; it tended to present its strong points to the public and to hide such weaknesses as it might have. That is a habit of institutions, particularly institutions of long standing.

There is a little story with respect to institutions which perhaps illustrates the point.

A railroad vice-president, who had always worked inside, was put out in charge of the men in the car inspection shops. He went out to get acquainted with the men, and he saw a man coming down the line testing the car wheels by hitting them with a hammer. He said to him, "How long have you been on this job?" The man said, "Thirty years. And my father had it before me and his father before him." The vice-president said, "Well, you and your family are getting to be quite an institution. It must be wonderful to have an ear so finely attuned to resonance that you can tell whether there is anything the matter with a car wheel just hitting it with a hammer." The workman said, "For pity's sake, is that why we do it?" (Laughter)

Now as the University of Maine has grown, like all institutions, it has tended to build a fence around itself, and, as the circle widens, it becomes more and more difficult for one looking over the fence to see what really is going on in the middle. This is a characteristic of any institution which ought not to be criticized or condemned, but it is a tendency which should be controlled, and it was for the purpose of exercising this control, of course, that the board of trustees was instituted.

When the University of Maine was created about eighty years ago, the State vested almost complete authority in the board of trustees.

At that time, apparently, people did not have the same conception of one-man leadership that we have today, for they were more inclined to put their faith in groups. The charter of the University of Maine, for example, does not even prescribe that the University should have a President. It was the board of trustees who were given a declaration of general policy and given authority to establish tuition and admission requirements and other matters of basic policy. The Legislature, however, reserved in the charter that it could at any time amend or change in any way the power of the trustees.

Now as a member of the board of trustees, I can hardly be expected to discuss the board too critically, and I have no criticism to offer; but there are certain facts in connection with the board of trustees which the Legislature should have in mind.

When I went on the board in 1929, my recollection is that of the nine trustees three were alumni of the University. At the present time, of the nine trustees, seven are alumni. I think the interests of the State are protected in their hands, but, over a long period of time, it seems to me that seven alumni on a board of nine gives too strong a university tone as distinguished from the public interest which the trustees are really supposed to represent. I think that is a fact which the Legislature should keep in mind, that the continual addition of alumni to the board of trustees tends to accentuate that ingrowing purpose in the University and to take it farther away from the public purpose of the people of the State.

Now to come to the resolution itself. My purpose in discussing it at this time is because I believe that it should have a broader base than the opinion of a committee of ten. If declaration of policy is to have any effect, it must be a dominant declaration of policy, clear and comprehensive. I think the committee, in its consideration of the matter, needs to know more than a committee would in the case of the ordinary bill or resolve, because it is the interest of members of the Legislature to determine what they think that policy ought to be. I should like to induce the presence of the members of the Legislature at the time of the hearing, and I

should like to have the members of the Legislature think about this matter in the meantime.

You will note the resolution as drawn which, as I say, is simply an outline around which discussion can center, is not drawn in the form of a law. It is to guide but not to blind by force of law the board of trustees. It deals with the points which the Governor raised in his message: The size of the University, the tuition policy, and, necessarily involved in that, the admission policy. I should like to give you a little information as to those particular points.

In terms of size, the trustees have been thinking of a university post-emergency after the problem of the peak of veterans' education has passed—in terms of an enrollment of 2500 students.

It would now appear that the demand for public education at the University of Maine may be for a number greatly in excess of 2500, and that is why it is important now for the State to decide how far it wants to go in increasing the size.

A survey recently made by the faculty would indicate that if we maintain the present education and the present admission requirements at the University we are likely to be considerably in excess of 3000 students about 1950. In order to provide for 3000 students or more at that time, new buildings would be necessary, and larger appropriations than have been made in the past would have to be provided, especially if the tuition remained as it now is.

Now the tuition and admission policies necessarily are tied together. At the present time we charge a Maine civilian student \$175. The cost of the instruction per student as nearly as it can be estimated in a rather complicated organization which does other things besides educate, notably in agriculture—the cost of instruction and education, making no allowance for depreciation or additions to plant, is probably somewhere around \$475 per student. If you throw in some arbitrary allowance for plant, it runs well over \$500. So the tuition at the present time for an in-state civilian student is about one-third of the cost. The veterans, whether in-state or out-of-state, have been paying more. The Federal government has been paying for them the out-of-state students' tuition, which

is \$300. The Veterans Administration has recently tried to change that onto a formula which I am unable to compute, but which would probably be less than the \$300 which they have been paying, because they do not admit certain items of cost which we think are fair.

Now this resolution, thrown out simply for discussion, proposes that the tuition for an in-state student be approximately one-half of the cost and the tuition for an out-of-state student be approximately two-thirds of the cost, and it contemplates that a fund be created by the excess paid by out-of-state students to rebate the tuition to worthy students unable to pay the tuition which would be increased. It puts the University onto an ability-to-pay basis and make some provision, perhaps not entirely adequate, for rebating tuition to worthy students who ought to go to college but cannot pay.

The result of such policy, say \$250 in-state tuition as compared to \$175, even by providing this fund for rebating the same, would result in a fairly substantial increase in University income; I am unable to estimate it exactly, but perhaps \$150,000 a year. It would depend on the numbers, of course, and the ratio of in-state and out-of-state students.

Now I do not represent this as any official opinion of the trustees or of the administration. I have thrown it out simply as a suggestion, as a method by which more revenue could be obtained from tuition while still, on the basis of ability to pay, a number of worthy poor students could be taken care of.

The requirements for admission at the University today are, in my opinion, low. They were reduced somewhat during the war and scholastically they have not yet been raised. The trustees now have under consideration the matter of the admission policy at the University.

Today, any Maine student who can make high school certification grade and can pay his first tuition is pretty likely to be admitted to the University. I suggest that if the disposition of the State is to restrict the size of the University, that one appropriate method of accomplishing that purpose is in the admission requirements.

Now it is quite possible that an institution organized on the principle of selected admissions which went

out to find students of demonstrated ability and merit in the State and brought them to the University and helped them financially to maintain themselves there within the limits of the tuition policy, might produce a greater advantage to the State than is now being produced.

The figures on admission and graduation have been greatly confused by the war, and we are now reassembling the statistics to show how many of the students admitted to the University do complete their education, but the percentage, in my opinion, is too low. It may compare favorably with other states for all I know, but I do not recognize, myself, the validity of any comparisons with other states at all. I do not think the status of education in the country justifies the assumption that there is anywhere any perfect standard. It is just as possible that the State of Maine might be right in charging higher tuition as the states of Illinois or Iowa might be right in charging no tuition. But, over a period of years, only about two-thirds of the students admitted to the University graduate from the University. I suggest that a smaller institution with a more rigid policy of selection on the basis of demonstrated merit and ability and seriousness of purpose might produce just as fine and just as large a product as one in which the admission standards are rather low and easy.

Further, I think the State ought to know that over a period of years only about one-half of the graduates of the University of Maine stay in the State. If you compute the State subsidy in terms of a finished product, that is, a graduate who remains in the State, it would be a fair guess that the State pays \$2500 to \$3000 for each student graduated from the University of Maine who remains in the State. If you went further than that and tested them on being in the same line for which they were educated, you would find a somewhat larger figure.

These comparisons are very difficult to make, but what I would like to point out is there is a great opportunity for the elimination of waste in the educational process, and it is in the direction of the elimination of that waste that I suggest the Legislature encourage the

University to establish more rigid standards for admission.

Administratively that course is difficult. Any institution, if it can, will want to charge everyone the same and treat everyone alike. It is much easier from an administrative standpoint; but I think the additional expense which would be involved if we followed this course at the University would save the State far more than it would cost.

From 1929 until recently the University operated under the one-mill tax. We did not always get it, but the last Legislature did make up the deficit. Of course now we are operating under emergency appropriations and under emergency conditions, but the mill tax afforded both an assurance and a restraint. It was generally believed by the trustees and by the administration that two years hence what you were going to get from the State was what the mill tax said, and the cloth was cut, I think, accordingly. I think the mill tax worked pretty well. Now, of course, the theory that the valuation would keep pace with the ability of the State to pay, which was the theory of the mill tax, is out of the window. The valuation has not been handled in that manner. The University under the mill tax today would be receiving considerably less revenue than it received in 1929 and 1930 when the mill tax was first instituted. So that for a period of normal operation the University State subsidy did go down, which is a comparison favorable, I think, to that of almost any other department of State government.

At the present time the price level has broken away. No matter what the policy may be with respect to size, the adequacy of the appropriation will have to be reviewed. If the State does adopt the suggestion which has been made with respect to giving up the State property tax as a source of State revenue, the mill tax would have to go. What base can be substituted for it I do not know. But certainly there is some stability in a resolution or declaration of policy such as is contemplated here, because one Legislature's reaction in Maine is about the same as that of another Legislature, and if this Legislature, after due consideration of the matter and after public hearings at which everyone who wants to come can

express their view, if this Legislature by a dominant vote does give the University of Maine trustees an indication of what it thinks the policy ought to be, I would not have much question but what the next Legislature would feel about the same.

The Governor said that anything which is once expanded is hard to curtail. That would be very true of the University. The income, I believe, will fall faster than the expenditures can be reduced; students will leave before we can let teachers go. When we run through the peak of the veterans and begin to substitute civilian students, unless the tuition policy is changed in the meantime, we drop from \$300 to \$175 on a considerable number of students, perhaps 1500 students, which is a pretty substantial amount of money. That is why it is important that we should decide now on these long-term policies.

Now it is not at all important that the policy of the University should be my policy, but it is important that there should be a policy which has the approval of the Legislature. In introducing this resolution, I simply throw out again a basis for discussion, entirely willing to conform to whatever the Legislature says it wants the University of Maine to be, that the State policy in education should be something like this: Public education through high school is a right and a requirement for every boy and girl; college education at public expense is a privilege to be earned by demonstrated merit and diligence. (Applause)

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that H. P. 75, Joint Resolution relating to policy of the University of Maine, be referred to the Committee on University of Maine and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed.

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

On motion by Mr. McGlauffin of Portland,

Adjourned until ten o'clock tomorrow morning.