

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 21, 1931.

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

Prayer by the Rev. Mr. Garland of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

The following bills, resolves and petition were received, and, upon recommendation of the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Morrill of Gray: Resolve in favor of Dept. of Maine Grand Army of the Republic. (H. P. 46)

Claims

By Mr. Hathaway of Milo: Resolve in favor of Henry P. Johnson. (H. P. 47)

By Mr. Smith of Waterboro: Resolve in favor of Harry W. Hill of Limerick. (H. P. 48)

By Mr. Fernald of Winterport: Resolve in favor of the town of Frankfort. (H. P. 49)

Inland Fisheries and Game

By Mr. Morrill of Gray: An act relating to the Gray Game Preserve. (H. P. 50)

(500 copies ordered printed)

By the same gentleman: Petition of Horace C. Marsden and 83 others in favor of same. (H. P. 51)

By Mr. Blaisdell of Franklin: An act relating to Card's Mill Stream. (H. P. 52)

By Mr. Cobb of Gardiner: An act relative to fishing in Cobbosseecontee Stream and the tributaries thereto. (H. P. 53)

By Mr. Holbrook of Vanceboro: An act to open Lambert Lake in Washington County to Ice Fishing. (H. P. 54)

By Mr. Hussey of Augusta: An act relative to ice fishing in Lake Cobbosseecontee. (H. P. 55)

By the same gentleman: An act relative to the closed season on landlocked salmon and trout in Lake Cobbosseecontee, county of Kennebec. (H. P. 56)

By Mr. Jones of Winthrop: An

act relative to black bass in Cobbosseecontee, Maranacook and Annabessacook Lakes, in Kennebec County. (H. P. 57)

By Mr. Smith of Marsadis: An act relative to bounty on bobcats, loupcevier, and Canadian lynx. (H. P. 58)

By the same gentleman: An act relating to fishing in the tributaries to St. Croix Lake and St. Croix Stream in Aroostook County. (H. P. 59)

A communication was received from the Senate, through its Secretary, proposing a joint convention of the two branches of the Legislature to be held in the hall of the House of Representatives forthwith for the purpose of inviting His Excellency, the Governor, to attend and present such communication as he may be pleased to make.

The SPEAKER: The House hears the message.

Reception of bills and resolves continued.

Legal Affairs

By Mr. Burkett of Portland: An act to amend the charter of the Casco Title Guaranty Company. (H. P. 60)

(500 copies ordered printed)

Salaries and Fees

By Mr. Burkett of Portland: An act increasing the amount to be paid for clerk hire in the office of the Recorder of the Municipal Court of the City of Portland. (H. P. 61)

By Mr. Ellis of Rangeley: An act to increase the salary of the Judge of the Farmington Municipal Court. (H. P. 62)

Taxation

By Mr. MacKinnon of Mexico: An act to refund excise tax on gasoline to towns, cities and village corporations. (H. P. 63)

(500 copies ordered printed.)

Towns

By Mr. Hathaway of Milo: An act to repeal the organization of the plantation of Elliottsville. (H. P. 64)

By Mr. Graves of Mount Desert: An act to re-establish the town line between the towns of Hancock and Lamoine. (H. P. 65)

(500 copies ordered printed.)

Ways and Bridges

By Mr. Blaisdell of Franklin: An

Resolve in favor of the town of Franklin. (H. P. 66)

By Mr. Cobb of Gardiner: Resolve in favor of the town of Chelsea. (H. P. 67)

By Mr. Eastman of Stow: Resolve in favor of the town of Stow. (H. P. 68)

By Mr. Fernald of Winterport: Resolve in favor of the town of Stockton Springs. (H. P. 69)

By Mr. Ford of Brooklin: Resolve in favor of the town of Brooksville. (H. P. 70)

By Mr. Hathaway of Milo: Resolve in favor of the town of Orneville. (H. P. 71)

By the same gentleman: Resolve in favor of the town of Atkinson. (H. P. 72)

By the same gentleman: Resolve in favor of the town of Milo. (H. P. 73)

By Mr. Holbrook of Vanceboro: Resolve in favor of the town of Princeton. (H. P. 74)

On motion by Mr. Blanchard of Phillips, it was voted that the House signify to the Senate its concurrence in the proposal of the Senate that a joint convention of both branches be held to listen to a message from His Excellency, the Governor, and that the House through its clerk signify to the Senate such concurrence.

Thereupon the clerk conveyed to the Senate the concurrence of the House as above, subsequently reporting that he had performed the duty with which he was charged, which report was accepted.

Orders of the Day

On motion by Mr. Burkett of Portland it was voted to take from the table H. P. 28, an act relating to taxation of billboards and outdoor advertising, tabled by that gentleman on January 20, pending reference to a committee and H. P. 29, an act for the taxation of billboards and regulation and control of outdoor advertising, tabled by the same gentleman on January 20, pending reference to a committee.

At this point the Senate came in a joint convention was formed.

In Convention

The President of the Senate in the chair.

On motion by Senator Weeks of Somerset it was ordered that a committee be appointed to wait upon the Honorable William Tudor Gardiner, Governor, and inform

him that the two branches of the Legislature are in convention assembled in the hall of the House of Representatives and extend to him an invitation to attend the convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that committee on the part of the Senate: Senators Weeks of Somerset, Aldrich of Sagadahoc and Bishop of Lincoln; and on the part of the House: Representatives Robie of Westbrook, Briggs of Caribou, Perham of Paris, Ellis of Rangeley, Peacock of Lubec, Graves of Mount Desert and Thompson of Belfast.

Subsequently, Senator Weeks for the committee, reported that the committee had discharged the duty assigned it, and that the Governor was pleased to say that he would attend forthwith.

The report was accepted and the committee discharged.

Thereupon the Honorable William Tudor Gardiner, Governor, attended by his Council, entered the hall, amid applause, the audience rising and the Governor addressed the Convention as follows:

Members of the 85th Legislature:

In my inaugural I spoke of the appointment of a citizens committee to consider the recent Survey of our state government from the point of view of the public. I want to express appreciation of the splendid work which has been done by that committee, which was large in order that it might be truly representative of all points of view and of all sections of the State. The ready response to the invitation to serve the State in that capacity seemed to me a fine proof of the public spirit of Maine citizens. At five public hearings there was a large attendance of the members of the committee, of the general public, and of the members of the Legislature. After about three weeks of such general consideration it seemed apparent that it would be necessary to appoint a small executive committee for the purpose of more laboriously studying the details of the report and making final decisions as to accepting or rejecting the recommendations contained therein.

I have in hand the report of that executive committee. I can hardly express the gratitude which I per-

sonally feel for the unstinted service of this committee, but after all, their service was not in any sense given because of my request but rather because of the desire to help Maine take her rightful place in the forefront of states having a modern and simplified state government. Such service cannot be repaid except as you give your best attention to the results of their labor as expressed in this report. I need not point out the high character and ability of the personnel of the executive committee. I can say that it includes men and women of notable success in law, medicine, finance, social welfare, agriculture, business, and education, and I believe it is representative of the best in the life of our State. Without more praise, let me transmit the unanimous report of this committee of seventeen.

January 20, 1931

To His Excellency, Hon. Wm. Tudor
Gardiner
Governor of Maine
Augusta, Maine

In accordance with your request the executive committee appointed to consider the report of the Survey of the State Government, conducted for you by the National Institute of Public Administration, herewith submits its report.

As members of your citizens committee we have been making a study of the Survey since early in November and have been endeavoring to bring it to the attention of the public. We have individually attended one or more of the five hearings which have been held in different parts of the State for the discussion of the Survey, and have noted the opinions and interest of a large number of our citizens. On December 4th a public meeting of the entire citizens committee was held in Augusta, and following that you appointed the undersigned as members of an executive committee.

We have held several lengthy executive meetings and special features of the Survey have been studied by sub-committees. Through private conferences and club meetings and by correspondence we have endeavored to obtain public reaction to the recommendations of the Survey. We believe that our conclusions represent not only our own

opinions, but to an important extent reflect the state of public opinion generally. We have conceived it to be a part of our duty to adapt the plan in the Survey to Maine traditions. Our committee represents all sections of the State and both political parties. While the members of the committee have had differences of opinion we have been able to subordinate them and reach a final agreement. Matters that might be thought controversial become relatively unimportant in comparison with the fundamental purpose of improving our state government, and we trust that the Legislature will consider our plan reasonable, practical, and conservative.

At the first meeting of our committee we discussed the scope of legislation which might be introduced pursuant to the recommendations of the Survey. After reaching our own conclusions we entrusted the task of drafting an administrative code along the lines agreed upon to Mr. A. E. Buck of the Institute staff, whose qualifications and experience in this type of work are outstanding. Later, the committee, with Mr. Buck, went over the Code, discussing its terms section by section. The revised bill, entitled the "State Administrative Reorganization Code" which we append to this report, embodies all our suggestions. We refrain from any detailed discussion of our recommendations since the Code speaks for itself. The bill meets with our cordial approval and we trust that it will be submitted to the Legislature for consideration.

The Survey is a most comprehensive one. We have considered the recommendations contained therein, and have added others of our own. Our endeavor has been to study thoroughly what we considered the most vital suggestions as to reorganization calling for legislation and to recommend the adoption of those deemed advisable at the present time. We may say, in general, that we have followed the principle of advocating only those changes which we believe to be necessary for reasons of economy or efficiency or both. Many additional matters have been touched upon in our committee meetings and separate bills may be

introduced which are not properly a part of an administrative code.

We have recommended a thorough-going financial reorganization which we believe will merit the approval of public finance experts. Through the Department of Finance, if established substantially as recommended, we believe real economies can be effected. Another important change which we propose in departmental organization is the association of health work, social welfare work, and institutional administration in three coordinated bureaus in a Department of Health and Welfare. This presents an opportunity not only for preventing further increase in our expenditures for those purposes, but also for going to the very root of the purpose behind all those activities, which is the conservation of our human resources through reduction in human misery, poverty, and disease. We believe that it would be some time before the full effect of these changes could be obtained, but that substantial improvement would be noted at once, particularly through the consequent centralization of fiscal and administrative control. Other proposed consolidations, while desirable in many ways, may well await later consideration or may be separately introduced at this session of the Legislature, if any member so desires.

We recommend that the auditor be elected by the Legislature since under the proposed financial system he will have entirely new duties and will be necessarily a trained technician. His function will be to act as a check on the Executive and department heads and to see that income and expenditures conform to the regulations laid down by the Legislature.

In addition to the administrative code and the separate bills mentioned above, it is our understanding that a constitutional amendment considered helpful to a modern financial system will be submitted to the Legislature. This has to do with the office of State Treasurer and provides for an executive budget. We shall not recommend the submission of other changes in the constitution. There appears to be ample reason for retaining the Secretary of State as a constitutional officer, but conditions have changed so greatly in the last one hundred and ten years that we believe the constitutional office of

Treasurer should be replaced by a modern financial system better adapted to the present volume of state business.

Great expansion in the functions of government in the last twenty years has necessitated the reorganization of many state governments. While no one plan of organization can be considered applicable to all the states, we are decidedly of the opinion that modern government requires modern methods and that our statutes should aid rather than hamper public officials in the performance of their duties. Maine need not lag behind other states, and the present Legislature has a unique opportunity to make a genuine contribution to progress in government. We do not consider the proposed Code as drastic or radical. On the contrary it is the natural outgrowth of our thinking on governmental lines, as indicated by the report in 1923 of the so-called Cole Committee appointed pursuant to legislative order during the administration of Governor Baxter, and the financial survey made in 1925 at the request of Governor Brewster. We think it time that all this intelligent and disinterested effort for better government in Maine should bear fruit.

Respectfully submitted,

Walter B. Brockway, Portland
Bertram L. Bryant, Bangor
Edward E. Chase, Cape Elizabeth
Stephen E. Cordwell, Westbrook
Zelma M. Dwinal, Camden
Blanche E. Folsom, Norridgewock
Walter L. Gray, South Paris
Robert Hale, Portland
Frank H. Holley, North Anson
Orren C. Hormell, Brunswick
Roselle W. Huddilston, Orono
Bertrand G. McIntire, Norway
Edward C. Moran, Jr., Rockland
Leonard A. Pierce, Portland
Eugene T. Savage, Bangor
Stella K. White, Houlton
Anna C. Witherle, Castine
Dora B. Pinkham, Fort Kent
Secretary

Constitutional Requirements

The Constitution of the State of Maine provides in Section 9 of Article 5 that a governor "shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures as he may judge expedient." It is in accordance with that solemn mandate that I address you this morning on

the most important matter that will come before you. I propose to discuss legislation affecting our present arrangement of administrative organization of state affairs, to transmit to you certain proposals to change those arrangements, and to state my reasons for such recommendations. The changes are suggested not alone as a matter of economy but as a matter calculated to enable our governmental efforts to be more fruitful without additional expense. At the same time I believe the adoption of these changes would enable the accomplishment of economies that would be most welcome in the eyes of the people whom you represent. It seems highly desirable for the present, and necessary so far as the future goes, that we should seriously consider these matters, and certainly the plan submitted by the executive committee forms a convenient basis for our deliberations. It seems to me that the committee has admirably shaped the plan in the Survey to our needs, and it is for you to determine whether you can improve it still further. I wish, therefore, to address you at some length on the subject of the reorganization Code, continuing the discussion on that subject which I began in my inaugural two weeks ago.

Part of the duty of the Executive is to carry on a critical study of the organization of the state government and during the last year the task has been facilitated by the Survey of our government made by a capable and impartial organization. The printed report is most informative and it is easier now than it has ever been to appraise our governmental agencies and study their relations in all details. Whether or not there shall be changes in the legal disposition of our administrative units rests with your decision. In so far as possible I have endeavored to prepare matters to be a convenient help to you. Our legislative sessions are short, but with the availability of the information and a comprehensive law already prepared I am sure that your deliberations will be facilitated.

I will leave a draft of the Administrative Code with the President of the Senate for prompt introduction for your consideration. I propose at this time to outline briefly the matters included in the

Code, but first it might be worth while to recapitulate some of the facts of what we might term our departmental history. The functions of government have increased so gradually that it is difficult for us to realize how recent is the origin of many of them, or the tremendous extent that is covered by state activities at the present time. Each time we have undertaken a new work we have had the tendency to create a separate agency for its administration, or to tuck it in wherever there happened to be a capable or willing official, regardless of whether the nature of the work had any relation to the other duties of that official. We are fortunate in having a Constitution which covers only ten pages of our revised statutes. Amendments have added forty-two pages. We are also fortunate in having a short ballot, and for these two reasons have fewer handicaps than most states which have attempted to reorganize their governments, and have found it first necessary to rewrite practically the whole of their state constitutions. We can give our almost undivided attention to improving our departmental arrangements.

For your convenience I have had charts prepared to accompany this address showing our government as at present organized and as it would be organized if the consolidation plan is accepted. The examining boards and the judicial branch of the government are omitted in both charts. The present picture shows about thirty-five outside boards, commissions or other agencies and four ex-officio boards. Some of these boards and agencies are almost never active or even obsolete. Until recently I was unaware that a governor is chairman of the Crop Pest Commission and of the Board for Survey of Lands, and I am afraid I have neglected my duties thereon. There are eight institutional boards, most, if not all, of them, established before the Department of Public Welfare became an important state agency. You will observe at once that the most striking difference in the two charts is that some agencies, at present independent units under the Governor and Council, have been placed in departments to which they are related by the character of their duties. The number of departments is approximately the same. The re-

organization plan is notable because of the lack of what we might term dislocated agencies. The second chart shows conditions as they will obtain if the proposals of the Code are adopted, with nearly all the outside agencies absorbed into thirteen well-organized departments, with the department heads acting as executive officers of departments. There is one entirely new department, that of Finance, and one major consolidation, called the Department of Health and Welfare. More detailed descriptions of these departments will be given later. In addition there would remain units of government under the Attorney General and the Secretary of State elected as at present by the Legislature, and the Department of Audit, headed by an Auditor also elected by the Legislature. There would remain seven independent agencies which are not closely related to other state activities and are therefore not properly departmentalized. Three of them, however, are connected with departments through ex-officio members. I refer to the Board of Trustees of the University of Maine, the Maine Development Commission, and the Eastern States Exposition Committee.

I presume I feel more strongly than any of you possibly could at this time the desirability of such centralized control as this set-up would provide. The relationship between the Governor and heads of departments would be made intimate and direct, making possible a more competent and energetic administration. The Governor would be relieved of the necessity of trying to direct and correlate the many small agencies, and would have more time in which to perfect his administration and develop his policies through frequent conferences with heads of a few departments. The principles that underlie any plan of administrative reorganization are: first, that there shall be consolidation and integration in a few orderly departments of similar functions of government; second, that there shall be fixed and definite responsibility for all governmental activities; third, that there should be proper coordination of terms of administrative officials in order that a government may function harmoniously; fourth, that administrative responsibility can better be centered in a single indi-

vidual than in a board. These principles are difficult to dispute, although there may be differences as to the best methods of carrying them out. Successful government is not likely to be achieved by hiding responsibilities in scores of little separate agencies. When responsibility is centered in an individual he cannot shirk it; when it is made definite, a public official can be held to a strict accountability. Furthermore responsibility is felt more keenly when it is borne alone and I believe any governor, or any department head, would find it a stimulus to effort if he knew that the system of state government gave him a fair opportunity for success. I believe, too, that better men and women could be induced to go into public service and remain there. In an article written two or three years after reorganization was an accomplished fact in his state, one governor said that he could immediately feel an increase in enthusiasm among his department heads, and he attributed this to the feeling of added responsibility.

The executive committee report refers to the Cole Committee which in 1922 made a study of state affairs. Reading their report today one is forcibly struck with the wisdom and farsightedness of the members of the committee. Their words sound prophetic to our ears. I was a member of the House at that time and in my opinion the chief reason for failure of results in larger measure was the lack of sufficient publicity and explanation given in regard to the recommendations of the report. Since only a few copies of the Cole report are now available for the use of the public, let me recall the first few pages in some detail. The balance of the report is taken up with statistical tables. The committee felt that it was somewhat limited by the scope of the order which created it and did not attempt to make any investigation of the institutions, but stated their belief that a similar survey could well be made of the institutions and that there was probably greater opportunity to make a saving there than in the departments at the State House. They found no evidence of so-called graft or wastefulness, but thought there was a great loss of efficiency and a consequent waste of money on account of the zeal of many department heads attempt-

ing to expand beyond the intention of the law, with consequent overlapping of duties and duplication of effort, and a tendency to go too much into detail. They pointed out an increase of seventy-five per cent in clerical force in five years. They felt keenly that the State, like the individual, should measure its expenditures by its ability to meet them, and they expressed strongly the opinion that the policy of the State should be retrenchment rather than expansion. They enumerated the establishment of the following offices and boards in the fifteen years preceding the investigation; the State Auditor, the Industrial Accident Commission, the Highway Commission, the Department of Charities and Corrections, the school for the feeble minded, the state reformatories for men and women, the three tuberculosis sanatoria, the Portland pier, pensions for the blind, et cetera. This increase in functions of government was not the only cause for alarm, for the long-established departments had broadened and increased in their scope. That statement is even more true today. Among the recommendations of the Cole Committee were a reduction in institutional boards to three; a central clerical and stenographic bureau; direct appointment of heads of departments without intervening boards; that all fees be turned directly into the Treasury; that too rigid divisional lines in the Department of Agriculture were costly; that the state library should be made a part of the Department of Education; that there should be an additional state official to have charge of all new construction; that state employees should be classified with a view to fixing proper compensation; and finally that there should be consolidation of some of the departments. A few of their suggestions which I have not recounted have been enacted into law. In the eight years since the Cole report the expenditures of the State have continued to mount, and we still adhere to the time-honored custom of creating a new instrumentality for each new function of government. Just last session we created a new agency in the World War Relief Commission.

Of course the National Institute of Public Administration had the opportunity of making a more thorough investigation and their report is therefore more exhaustive.

In addition they were fully possessed of the facts in regard to the working out of organizations in many other states. In the fifteen states where fairly thorough reorganization has been accomplished the advantages have been demonstrated. Satisfaction with reorganized governments seems to be general and there is no desire to go back to the old condition of numerous scattered state agencies. Naturally in states which are growing rapidly there is not a very large opportunity for cutting down appropriations. In Maine, with our population increasing very slowly, there is less reason for continued increase in expenditures, and more reason for all possible economy in order that a high tax rate may not discourage the coming of new industries and new residents. It may be stated axiomatically that a high tax rate is a serious obstacle to the development of any state. To my mind one of the most significant sentences in the Survey is, "We believe that the future growth of the business, industry and commerce of the state would be greatly aided by such a reorganization."

It may be argued, as it has been in many states, that the governor's power is to be unduly enhanced, but we should remember that we have a safeguard which most states lack in the requirement that appointments are subject to the confirmation of the Council, and that the Council has great power over many other acts of the Governor. Under the proposed plan the Governor's appointive power is lessened by about fifty appointments. If a governor wished to build up a political machine the present system would serve his purpose better. Under the Code, through the rigid standards and regulations set up by the personnel agent, technical men as well as clerks and other employees in the lower salary classes are much less liable to political manipulation than at present. There is a natural temptation to appoint to boards or commissions to pay political debts or to do honor to some prominent citizen. Often a citizen performs very able and disinterested service for the state, but his work on an administrative board is more likely to be incidental to affairs which are more important to him personally, and I believe that the amount of money which the state pays out in expenses of trustees and other

board members could more profitably be used for the salary of two or three full time officials who would be experts in their respective fields. When boards do good work is generally due to the initiative of one person, and he is fortunate if the other members do not hamper him. The expenses of the Boards of Trustees of the state institutions alone amount to \$11,000 a year.

Observers of government throughout the United States, and indeed all over the world, are becoming convinced that the ideal government is one of expert technical workers, supervised by an administrator acting through a few subordinate officers and controlled in the last analysis by alert and intelligent public opinion. The fear of political centralization is yielding to the great need of administrative centralization and so the single headed department is gaining in the public mind as a means of carrying out the purely executive function of government. States have tried many elaborate schemes for improving their governments, but within the last decade have decided to try simple, direct, responsible government, and the verdict is that the more simple and direct, the more successful it has been. There is the added advantage to the public in a simpler form of government that those requiring service receive it promptly, as the tedious details of administration by boards and commissions are largely eliminated. Also the people are better able to follow the activities of such a government and can keep it closer to them, hence more responsive to their will. A good system will not work at its best under a poor governor, but conditions will be worse under such a governor if you have a disorganized system, and his weakness will be promptly discovered if there is centralized responsibility. You cannot tie men's hands for evil and leave them free for good.

I do not know whether financial retrenchment is altogether desirable under our present system, but this consideration seems immaterial as such retrenchment is virtually impossible. The affairs of state will never grow less nor would many of our citizens care to have us relinquish activities which we have undertaken in these days of awakened

social consciousness of our responsibilities to the underprivileged classes of our citizens. I think it is quite certain that under the present system further increase in expenditures would not bring benefits in proper proportion to the financial outlay. At present departments and institutions secure legislative appropriations of varying amounts, and proceed to spend them regardless of whether the State's income is as large as anticipated or not. Through the necessity for a council order or warrant the Governor and Council are able to exert some control but we do not maintain that such a system is ideal either from our point of view or from that of the various departments and institutions. We have some instances of fine cooperation by department heads and institutional boards, but this is not always assured. Such extreme decentralization cannot fail to operate to the disadvantage of the separate agencies and institutions. Under our present plan we are obliged to reward extravagance with extra appropriations from the contingent fund, since we are not possessed of the fiscal control which would enable us to prevent expenditures from exceeding income. Conversely if a department is economical we cut down its appropriation at next session and thus fail to provide for possible wise expansion.

The administrative reorganization code is a bill which would cover about thirty-six pages of our biennial volume of laws. Although this may seem like a rather lengthy law it would replace statutes covering considerably more space, and there is the additional advantage of having a compact description of our departmental government rather than having it scattered all through the revised statutes. I anticipate that every section of this Code will be carefully studied and scrutinized by you, and that the final Code which I hope will meet with your approval, will be improved, for many minds are better than a few. In your study of the bill and of the laws which it would supersede I know you will gain much that will be of value to the State as well as to yourselves. Briefly defined, an administrative code is a description of the departments of the state government, with their powers and duties defined, with some details as to

divisions, with requirements as to qualifications of officers, with provisions for making desirable changes in organization, and repealing conflicting acts.

In the departments set up by the Code the commissioners are appointed by the Governor with the advice and consent of the Council and are to serve at the pleasure of the Governor and Council. When it is realized that this means there is a stated term of office, public opinion will insist on the retaining of good men in these important offices. At present the tenures of office vary in the different departments; for instance the Commissioner of Education holds office only "during the pleasure of the executive." Two of the departments are headed by commissions serving for fixed terms under the existing statutes, and they designate their own executive officers. Department heads serve as an advisory staff to the Governor and are subject to his call but must meet at least quarterly. The Auditor is to be chosen by vote of the Legislature to serve for four years, and must be a certified public accountant or qualified by experience similar to that of the present incumbent. Bureau chiefs, subordinate officers and other employees are appointed by the heads of the departments with the approval of the Governor and Council but subject to personnel provisions of the Act. Under similar conditions salaries are fixed by the appointing officers. There are certain requirements as to bonding and annual reports; next are general rules for the conduct of departments. Departments are listed and described, the first being the Executive Department with bureaus of administration, military affairs, state police, and buildings and grounds, with the provision that personnel work shall be started in this department through the appointment of an experienced personnel officer. Among the duties of the Executive Department is that of preparing annual reports, which may be edited and condensed. Thousands of dollars are now thrown away each year for the printing of reports which mean little or nothing to anybody but the printer. The armory commission is put under the Bureau of Military Affairs; motor vehicle inspectors are made a part of the state police

force, and the chief of the state police is given disciplinary control over the force. The park commission is continued in connection with the Bureau of Buildings and Grounds. Details as to the powers of the state personnel officer are gone into completely and I believe a careful perusal of these sections will make quite clear the inadequacy of our present regulations concerning our employees, an almost complete lack of system which is as unfair to our employees as it is inefficient from the point of view of the state. These portions of the Code are based on experience in personnel work in many states and follow the most successful and approved practices. The prime purpose of a personnel system is to provide for the continuous service, during good behavior, of trained experts whose appointments would largely be taken out of politics.

The next department, that of Finance, will enlist your keenest interest, as finance is the hub of the administrative wheel. The Survey points out that the defects of our present financial system, if they are to be remedied, must include thorough-going reorganization of all agencies having to do with the collection and expenditure of money. Obviously these agencies can best be controlled and best organized if they are grouped together in one department, and this is what the Survey advises, although some of the financial activities cannot be transferred at once. Three bureaus are proposed in the Department of Finance at this time, of Accounts and Control, of Purchases, and of Taxation. A budget officer is required and his duties explained, together with various stipulations as to the cooperation which department heads are to give him. Various means and measures to make a budget effective, are prescribed in the next sections and an advisory committee provided from the Legislature. A separate constitutional amendment will be submitted making the budget an integral part of our government. Also it is believed that we can have a more modern financial system if the work carried on in the office of the State Treasurer can be distributed among the appropriate bureaus of the Finance Department, and the same constitutional amendment takes care of that matter. A separate bill will

be introduced setting up a Bureau of the Treasury, to take effect when, and if, the amendment receives the approval of the people. The statutory provisions of the Code are not made dependent on this amendment, however, and it is hoped that we can secure great improvement in our financial methods shortly after the passage of the Act, if it meets with your approval. The work to be carried on by the Bureau of Accounts and Control is specified in considerable detail, and the methods of transacting business between the various departments and agencies of local governments and the Department of Finance are carefully delineated. These financial details are rather technical and I feel that we can place the utmost confidence in the advice the executive committee has been able to place at our disposal. Similarly the work and powers of a purchasing officer who I am reasonably certain could save the State at least a hundred thousand dollars each year, are treated in detail, and here we must rely on the experience of other states. The provisions advised for us are those which have proven most advantageous wherever central purchasing has been established. It is interesting to note that an ex-officio standardization committee is set up, consisting of the Governor or his representative, the state purchasing agent, and the executive officers from the departments of Highways, Health and Welfare, and Education. The Bureau of Taxation affords an opportunity for economy through the elimination of duplicate work and the coordination which the grouping together of related functions makes possible. The duties of the state auditor's office in relation to the tax on gasoline, and of the attorney general's office in relation to inheritance taxes, are transferred to this Bureau; a board of equalization is provided consisting of the Commissioner of Finance and two associate members who are not state or local officials. The department is to perform the functions of the farm lands loan commissioners.

The Department of Health and Welfare would be organized into three separate and distinct bureaus, with technical directors, the bureaus to deal with health, social welfare, and institutional service. The Commissioner may serve as director of the latter bureau, and one of his chief duties would be to coordinate

the overlapping work of the three bureaus, to promote cooperation among them and between local organizations and the appropriate bureau or institution. The Bureau of Social Welfare would include all the welfare work of the State, now scattered through various departments and agencies. The Bureau of Health in addition to the duties now performed in the Public Health Department, would take care of inspection of food, drugs, milk, water supply, drainage and sewerage. The recapitulation contained in this section of the Code is informative as to the great amount of health and welfare work which the state is attempting for the benefit of its citizens. Institutional heads would be appointed by the Commissioner of Health and Welfare, with the approval of the Governor and Council, and should be qualified and experienced in the management of the particular type of institution. An ex-officio parole board is provided in the Code and an advisory council of six, whose duties are to assist the commissioner and make recommendations. Local boards of visitors are also authorized for institutions.

The consideration of our health and welfare problems more than any other phase of the State's activities led me to have the Survey made, for they are concerned with the conservation of our human resources. Eighteen different agencies now spend twenty-seven percent of our legislative appropriations for these purposes. A critical examination of the organizations dealing with our dependents and our mentally and physically ill, shows that a point has been reached where we must have more efficiency or must make up our minds to spend more money without adequate returns. In theory the Governor with his Council is supposed to coordinate and closely supervise all these activities and separately managed institutions, but the task is an impossible one. The greater the number of independent administrative authorities with whom the head of the government is obliged to deal, the more difficult it is for him to develop good cooperation among them. In this plan for a Department of Health and Welfare there could undoubtedly be a great accomplishment in the coordination of such services as that of a

dietician, of a farm supervisor, of transfer of inmates, of interchange of products manufactured or grown at state institutions. There is no intention of making health subordinate to welfare or vice versa. Each bureau would be in charge of a technical expert. The Commissioner, who should be a man of high executive ability, would be of the greatest possible aid to the Governor and Council and certainly he would be of much assistance to the bureaus and institutions, and there could be a much wiser program in the preparation of the budget. A carefully prepared allotment based upon the needs of each special service would take the place of free-for-all competition for funds. The close interdependence among health and welfare activities and the institutions should make possible the harmonious development of the department. This plan is proposed after a careful study of the conditions peculiar to Maine and is deemed to be particularly suited to us because we have no adequate local administration of health and welfare matters. The relative importance of poverty and disease as a cause of human misery cannot be argued, but that they operate to cause each other is obvious. It seems equally obvious that if the field workers of the two bureaus could co-operate fully the benefit to the sick and the dependent would be incalculable, quite aside from any possible economy. Moreover the defective easily becomes the delinquent, and the delinquent often aids in the spread of disease. Surely an enlightened public policy which recognizes the viciousness of the circle of disease, dependence, and delinquency, will operate to decrease the number of unfortunate who fall into those classes.

In the Code the Department of Agriculture is to be organized in three bureaus dealing with animal industry, plant industry and inspections, and the Commissioner is given power to assign duties to the various divisions. Inspection of milk and dairies is transferred to the Bureau of Health. There is no change in the departments of Highways, Banking, Insurance, Forestry, Inland Fisheries and Game, or Sea and Shore Fisheries, but in order to avoid overlapping there is provision for the joint deputizing of wardens by the com-

missioners of the last two departments. The Sea and Shore Fisheries Department is headed by a single Commissioner. There was considerable opinion in favor of a department of conservation as proposed in the Survey, but conditions do not seem right for its establishment at this time. I believe the fisheries industry is capable of further development and I hope to bring about some progress in this during my term of office. The Department of Labor is to include the Industrial Accident Commission and the Board of Arbitration and Conciliation, but they are attached chiefly for purposes of economy and convenience and will continue under the same statutory provisions as at present. The Department of Education is to include the state library, the museum and the normal schools board. The Department of Public Utilities is to continue as at present except for the transfer of some inspection duties to the Bureau of Health. The Department of Audit is somewhat different from the existing department as its functions would be those of post-auditing all accounts and records of the departments, agencies and institutions of the state government, to install accounting systems and perform audits for local governments, and to assist the Legislature in making investigations of any phase of the State's activities. The executive committee believed it wiser that the Auditor be elected by the Legislature rather than by the people. The Auditor is to serve as a check on Executive and administrators and his duties are to report immediately any evidences of improper transactions or any incompetence to the Governor, and in the case of any illegality he is required to report the same to the Attorney General. He may also make any facts public at any time. He shall not have any ex-officio duties or collect or handle any moneys belonging to the State. At the conclusions of the Code there is a section providing for transfer of records, property, authority and obligations consequent on transfer of functions, and a recapitulation of agencies abolished. This is in lieu of citing chapter and section of all parts of law referred to in the Code.

If the essential features of this plan are adopted the governor can

justly be held responsible for his administration, he can be rightly blamed for extravagance and praised for economics. The fathers of our State foresaw the changes that time brings and declared the plain principle that government should be responsible to the people, that the people should continue to control the government, rather than that its wheels with relentless momentum should come to enmesh a people without escape. If necessary to amend the Constitution which they formulated, we can take comfort in the thought that it has already been amended fifty-two times, once to build a wharf, twice to build bridges, and four times to build roads. Why not amend it to improve the basic structure of our government?

Political timidity of inertia are not excuses for failure to take every possible opportunity to improve the public business which is our government. Only a governor who is unwilling to assume greater responsibility would deny that our present system is unwieldy. The ambition of office-holders to be of service is sometimes outweighed by the fear that changes which they feel like advocating may prove a failure, thereby entailing a loss of political prestige. But we are not concerned with the problem as it effects anyone who may now hold or who may aspire to hold office. A higher duty is that of service to the State, regardless of personal or political preference. The interest shown in the Survey, as judged by the attendance at public meetings, through a great amount of correspondence, by the demand for thousands of copies of the report, and in many other ways, is convincing proof that the men and women of Maine take a vital interest in their government and that they are greatly concerned that the government shall be readily responsive to their will and shall be conducted with the greatest possible efficiency and economy. In your endeavors to be of service to your constituents I will be glad to cooperate and will welcome the opportunity of discussing with any of you questions regarding the administrative Code.

My inaugural address made a plea that our deliberative action this winter should be free from personal or political consideration. It has been a source of great pleasure to

attend public meetings and to sit in harmonious conference when those of opposite political allegiance have discussed freely and frankly the possibility of improving our machinery for public service. I trust that this spirit may continue. Our political affiliations are maintained because that is the orderly manner provided for participation in public affairs. Our government rests on the theory of two opposing political parties. There must be loyalty to those parties if there is to be loyalty to the State. There must be faith in the belief of those parties if there is to be faith in the State.

The parties have spoken on this question by formal resolutions in their platforms adopted in conventions of their delegates representing the entire State. What attitude have they taken?

On March 27, 1930, the Republicans wrote and accepted the following:

"Simplification of State Government

"We renew the suggestion contained in the platform of 1928 that the satisfactory progress of our welfare and health work be still further improved by co-ordinating the various departments administering health, welfare, charitable and corrective institutions and activities.

"That there may be continued progress in efficiency and economy we believe this principal should be extended to other agencies of State Government. We, therefore, endorse the action of the present administration in arranging for a Spelman Foundation survey of the State Government without obligation upon or cost to the State or its citizens."

On March 19, 1930, the Democrats wrote and accepted the following:

"Reorganization of State Government

"Efficient state government at minimum cost is the ideal being striven for in many states. Maine presents the picture of inefficient government at high cost. It is obvious that only with both able officials and an efficient form of government may the ideal be realized.

"No officials, no matter how able, can produce efficient state government at minimum cost if there are an excessive number of state departments. Other states have recognized this fact. Yet no change is made. The present government has

spoken in favor of this change; finally, near the end of two years in office, a survey has just been started. The Republican Legislature decisively defeated one effort at consolidation; there is no valid reason to expect approval of consolidation by another Republican Legislature. The actual record of the present Republican administration shows no accomplishment in this direction.

"It is hopeless to expect such reduction by any future Republican administration.

"We pledge the best efforts of our candidates for Governor and Legislature, if elected, to produce actual results in a program of consolidation of state departments leading to efficient government at minimum cost. On this great issue, touching as it does the pocket book of every citizen of the State, we ask for the support of the citizens of Maine."

There is the serene expression of the majority party; there is the militant challenge of the minority party. Do those paragraphs mean what they say or are they idle words, illusory statements to curry favor with the voters — what Shakespeare might have called "springs to catch woodcock"? Are those plans in the platforms of responsible political parties or are they scraps of paper?

May we not pause and ponder on the fact that we have come here under either one or the other of those political banners. Can we maintain any integrity before our constituents if we cut the halyards and say we were sailing under false colors?

Yet, justification of personal action or opinion is not important for we are here not for ourselves but to serve the public interest. Unmistakably was the public interest expressed in the questions we are discussing; the public interest lies between those two party expressions. The function of party government fails if between those party platforms, as if they were an upper and a nether millstone, the public interest is to be ground to dust. I am unwilling to believe that this will happen for with the information and material at hand it will be readily possible for you to carry into accomplishment the desires of the people expressed through their parties.

I believe in progress. In the work of the State for the sick or for the

well, for the delinquent or for the normal, for the dependent or for the taxpayer, I believe there should be employed every possible help that modern science or research can give us. We do not tolerate archaic or cumbersome methods in our hospitals, schools, banks, farms, businesses or homes. Why should we tolerate them in our system of government, on which all our other interests depend so largely? Our love for the State of Maine must not be merely passive affection or aloof veneration. Let us be willing to adapt our government to present needs. Let us couple service with our love, and seek to bring to our State such improvement as may be in our power.

(Applause the audience rising)

The Governor and Council then retired.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to the Senate Chamber, amid the applause of the House.

IN THE HOUSE

The Speaker in the Chair.

The SPEAKER: The House is now proceeding under orders of the day, and the Chair recognizes the gentleman from Portland, Mr. Burket.

Mr. BURKETT: Mr. Speaker, referring to the two measures taken from the table by me before the Joint Convention assembled, there was some feeling yesterday that that should be referred to a Joint committee; but I think the sentiment of the majority of the members of both the House and Senate is opposed to reference to joint committees except in cases where it is absolutely necessary.

There are so many important measures to come before both branches that if we can have these matters before one committee it will be better so to do. The taxation committee at this session is a very able one, and as both these measures have some tax features connected with them, I move that they both be referred to the committee on taxation, and that 1000 copies of each be printed.

The motion prevailed and the bills were so referred and the printing so ordered.

On motion by Mr. Mack of East Millinocket,

Adjourned until tomorrow morning.