

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, March 9, 1937.

Senate called to order by the President.

Prayer by the Reverend Howard A. Lincoln of Gardiner.

Journal of Friday, March 5th, 1937, read and approved.

Papers from the House disposed of in concurrence.

From the House: bill "An Act to Provide for the Surrender of Town of Argyle of its Organization." (H. P. 1600) (L. D. 820).

In the House, received by unanimous consent and referred to the Committee on Legal Affairs.

In Senate, on motion by Mr. Fernald of Waldo, tabled pending consideration.

House Bills and Resolves in First Reading

"An Act Creating a Recorder and Raising the Jurisdiction of the Norway Municipal Court," (H. P. 1044) (L. D. 332), in new draft (H. P. 1681) (L. D. 811).

"Resolve Granting Authority to the Forestry Department to Convey Certain Land," (H. P. 1319) (L. D. 808).

"Resolve Granting Authority to the Forestry Department to Convey Certain Land," (H. P. 1318) (L. D. 809).

"Resolve Granting Authority to the Forestry Department to Convey Certain Land," (H. P. 1317) (L. D. 810).

Mr. HUSSEY of Kennebec: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. HUSSEY: Mr. President and members of the Senate, you have before you on your desks this morning a certain document sent up from the Appropriations Committee. If you will kindly turn to that I would like to make a brief explanation of it.

The preliminary work of this legislature is nearly completed and we are now in the final stretch of the business of the two branches. The committee reports are coming from their respective committees and we must weigh each report for

its worth, both for its merits and for its monetary value. In order to explain the position of the Committee on Appropriations and Financial Affairs we have prepared a list of the total amount of appropriations before the various committees of the legislature. The total for the years 1937-38 is \$15,527,614. For the fiscal year 1938-39 a total of \$15,055,671 is requested. There is an estimated available income credited to general funds directly below those figures of \$9,985,878 for the fiscal year 1937-38, and an estimated available income credited to general funds for the year 1938-39 of \$10,010,878, leaving a difference of \$5,541,736 for the year 1937-38 and \$5,044,793 for the year 1938-39.

Now, this difference as stated in these last two figures is the amount which must either be raised or must be lowered. This amount is inclusive of the estimate of the old age assistance and the new educational bill, which estimates are not of the Committee on Appropriations and Financial Affairs but are those submitted by the respective heads of those two departments which are vitally interested.

I want the Senate to understand that those two amounts, which total over \$4,200,000, are not estimates of our committees but are estimates of departments submitted by department heads. Now, this five million dollars for the next year is over and above the estimated income which is credited to general funds and must be raised by this legislature if the various resolves, bills and pensions before the legislature are to be passed.

If we turn to the top of the page we find that various departments and institutions of the state are demanding approximately \$9,000,000 for the first year and \$9,836,000 for the second year. You will find that the amount requested in claims resolves is \$519,004. Now, just to quiet your fears, because that is quite an amount of claim for the State of Maine to be paying, we readily acknowledge that a lot of those claims that possibly you or I have put in will not have a ghost of a show but some of them have justice in them. Just how much, is for the Committee on Claims to decide and those in turn will be referred to our legislature for final enactment if found sound.

That amount is way above the

amount requested two years ago. The next item there, the amount requested in pensions resolves, is \$33,111, which is the amount before the Committee on Pensions. I believe I can say with accuracy that this total amount will not be set up because I do not think the committee will approve of all the measures before it. Just for a matter of information I will say that there was before that committee two years ago a total of \$43,000. That is one bright thought on the whole page. Of course, that can be easily explained by the fact that a lot of those who are seeking pensions have found that they could receive assistance through the old age assistance plan now set up in our state.

There is a total of \$49,900 before other committees of the legislature for the first year and \$31,600 for the second year. This may or may not be approved. That is up to the various committees and to the legislature.

In the next item there is \$208,500 requested of this legislature through the various committees for the first year and \$128,500 for the second year. The next item is the amount requested in acts and resolves before the Appropriations Committee, amounting to \$634,000 for the first year and \$575,900 for the second year. We shall act on those in due time and I can assure you that the Committee on Appropriations will probably not turn out that whole amount.

The next item refers to bills before various committees not calling for any specific amounts but which necessarily must have certain amounts set up for carrying them on if passed by this legislature, and that estimated amount totals \$250,000. Well, that is up to the legislature, not necessarily to one committee, to determine the amount.

The next item is the new educational bill. As I told you before, this is an estimate placed before the committee which does not necessarily mean that this is the amount that the legislature will set up but it is necessary to take this figure because this is the amount that is before the legislature at this time.

The next item is an estimate by the department of Health and Welfare for carrying on old age assistance for the next two years. It amounts to \$2,500,000 for the next

year and the same amount for the second year. This is, as I say, an estimate submitted by the department of Health and Welfare.

I have given you the totals of these and I take this opportunity of calling these items to your mind because there are coming out of these committees various bills which you will find will carry certain appropriations. These are not coming out all at once. They seem to dribble out one at a time and I am going to ask this Body if they will go along with the Appropriations Committee in allowing us to table these bills as they come out of the committee so that we may tabulate them and then when we get most of the bills from the various committees we can total their amount and then decide whether we are going to have enough to balance our budget. I am speaking mainly of the small resolves which call for \$2500., \$5,000., \$9,000., \$6,000., and so forth, which in the aggregate will total quite a sum.

Going back just a little, as you look at the various budgets you will notice that they had an overlay after the budget committee met last fall of a little over \$200,000 for the first year and a hundred and something thousand for the second year. This was the total allowed by the budget committee on the various estimates of expenditure and income and of course did not include all that was demanded by the various departments.

Now, you can easily see that this outlay would be eaten up by bills coming out of committees and passing through the legislature. We have a ten million dollar business here. Of course, the business of the state, inclusive of highways and other departments, will run up to thirty millions, but taking out departments and institutional service running to about ten millions, an outlay of two hundred thousand is pretty small for that amount of business and I think it is necessary to ask this branch of the legislature to go along with us and not send along any of these appropriations but allow us to table them and hold them so that all will have an equally fair chance of coming in under the appropriation.

If we find it necessary in the final stages of the session to cut out some of these bills you can see where those that were reported first

and seemed small in their amounts as they passed along, have had an advantage over those coming out of the committee last. I think this is only fair to ask of you because in this way you will all be treated alike.

I am also at this time going to ask this Body to allow me to recall from the Governor's office a bill which was passed by this Senate last Friday which carried a small appropriation. This is in order that it may be put into the same category as these others which I am asking you to allow us to table. It is Legislative Document number 196. It carries a small appropriation and I assure you it is not from the point of trying to get adverse action on this bill but, as I stated, is just so that all who have bills before the legislature will have the same chance that this one had.

If there is any question on any matter that I may have omitted or that I have not made perfectly clear I will be glad to answer it at the present time.

I will make the motion, Mr. President, that Legislative Document 196 be recalled from the Governor's office.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, moves that the Senate recall Legislative Document 196 from the Executive Department. In the opinion of the Chair this should be done in the form of an order. The Secretary will prepare the order and it will be submitted later.

Order

On motion by Mr. Worthen of Penobscot, it was

Ordered, that five hundred additional copies be printed of Legislative Document 700, entitled "An Act to Regulate and Restrain the Manufacture, Sale, Transportation, Importation, Traffic in and Use of Liquor, Malt Liquor, Wine and Spirits and to Increase the Fees for Licenses."

On motion by Mr. Osgood of Oxford, it was

Ordered, that five hundred additional copies be printed of Legislative Document 739, "An Act Relating to Production and Sale of Milk."

Reports of Committees

Mr. Worthen from the Committee on Inland Fisheries and Game on bill "An Act Relative to Closed Time on Deer in Certain Counties," (S. P. 199) (L. D. 290) reported that the same ought not to pass.

(On motion by Mr. Kennedy of Hancock, tabled pending acceptance of the report.)

Mr. Lewis from the committees of Sea and Shore Fisheries and Inland Fisheries and Game jointly, on bill "An Act Changing the Time for Weir Fishing for Salmon," (S. P. 366) (L. D. 740) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

"Resolve Granting Authority to the Forestry Department to Sell Certain Lands." (H. P. 310) (L. D. 93)

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands." (H. P. 897) (L. D. 276)

"Resolve Changing the Name of Greeley Pond." (H. P. 1274) (L. D. 797)

"An Act to Enable Courts to Impose Sentence in Vacation." (H. P. 1290) (L. D. 469)

Which bill and resolves were severally read a second time and passed to be engrossed in concurrence.

"An Act Relating to Motor Vehicle Road and Tourist Service." (S. P. 202) (L. D. 292)

Mr. Goudy of Cumberland presented the following amendment and moved its adoption:

"Senate Amendment A to Legislative Document 292, 'An Act Relating to Motor Vehicle Road and Tourist Service.' Amend said bill by striking out Section 7 thereof and inserting in place the following: 'Penalty. Any person, firm, association or corporation, or any officer, agent, servant or employee thereof, who shall violate any of the provisions of this act shall be punished by a fine of not more than three hundred dollars or by imprisonment of not more than six months or by both such fine and imprisonment.'

Thereupon, Senate Amendment A was adopted and the bill was given

its second reading and passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

"An Act Relating to Examiners of the Public Utilities Commission" (S. P. 254) (L. D. 396).

"An Act Relating to Appointment of Commissioners; Tenure of Office; Vacancies; Clerks and Their Duties; Chief Inspector of Utilities; Office and Equipment." (S. P. 255) (L. D. 391).

"An Act Relating to Grade Crossing." (S. P. 256) (L. D. 392)

Which bills were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to Be Enacted

"An Act Relating to State Aid for Academies." (S. P. 171) (L. D. 246)

(On motion by Mr. Cook of Somerset, tabled pending passage to be enacted.)

Orders of the Day

On motion by Mr. Wentworth of York, the Senate voted to take from the table Joint Order Relative to Economy in State Affairs, tabled by that Senator on March 2nd pending passage.

MR. WENTWORTH of York: Mr. President and members of the Senate, I move this joint order be indefinitely postponed. I believe that this order should be indefinitely postponed because we have committees who put in their time studying the affairs of the different state departments. We have a Budget Committee who previous to the session of every legislature go over the requests of all departments and make recommendations to the legislature. Then we have the Committee on Financial Affairs and Appropriations who are continually having the heads of departments before them. At these meetings the affairs of the several departments are discussed very minutely both as to any savings that may be made and to service rendered the people of the state. This session we also have a special taxation committee.

If for no other reason, the spirit with which this order was offered should be enough to kill it. The members of this Senate were supposed to swallow this dose, hook, line and sinker because they would be afraid of the people back home

especially where the word economy was mentioned. We were sent here because our people had confidence in us. We were sent here to do a job, one of the biggest in our time at least, and not for purposes of personal publicity and political aggrandizement.

I believe the introduction of this order was to be a sequel to the famous fishing trip which was an Amos and Andy affair too, and would probably prove as valuable. It seems that our floor leader does not care to take into confidence his colleagues. There can be no leadership where such a condition exists especially on the part of the floor leader.

I have always believed it is better to talk the advisability of these matters first. We can then find out who is at the bottom of them. Too many times these things are started at the behest of some disgruntled former state employee or radical. We are in the closing weeks of this session. We still have the main job to do. Let's try to work in close harmony, quit the fishing, and do the work that we were sent here to accomplish.

In closing I wish to state that the Committee on Appropriations and Financial Affairs invites Senators Willey and Fernald to sit in at their meetings. Furthermore we stand ready to call in any state department that you may wish to question.

Thereupon, Mr. Willey of Cumberland presented Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to Senate Paper 430. Amend said order by striking out all of said order save the first three lines thereof and substituting in place thereof the following: 'to forthwith make a survey of the affairs of the state and each and every department thereof for the purpose of determining what, if any, economies may be effected in the administration of the affairs of the state. Said committee shall make prompt report to this legislature now in session of its findings and recommendations as to such economies as in their opinion may be made together with any bill or bills for appropriate remedial legislation, which bill or bills shall be received in either branch of the legislature regardless of the cloture rule thereof adopted by this legislature.'"

MR. WILLEY: Mr. President, perhaps I made a mistake in drafting the original order in that I used a word which seemed to pierce the sensitiveness of some people of our state. I have redrafted this order in such words that it should not offend anyone.

I have listened with a great deal of attention to the remarks of the Senator from Kennebec, Senator Hussey. He, I believe, is Chairman of the Committee on Appropriations and Financial Affairs. He told us just now that the state had a normal business of \$10,000,000 and with highways and everything else it went to \$30,000,000. He is just \$5,461,475 out of the way because in 1936 the state's expenses were \$35,461,475 and some odd cents, and in 1924 they were \$16,078,293. Now, if we keep on at the rate we have been going for just 12 years it will cost us \$77,000,000 a year to run this state.

Now it would seem to me, further, that he said the department heads came before this committee and demanded this and that and stated what they ought to have. I might ask him who is running the state—the department heads? Sometimes as you go through the corridors you will think they are, or are trying to. Is the legislature here to represent the people or are we here to represent the department heads? Are we going to plaster taxes on or are we going to economize for the people back home? I know these committees and the members of the committees. They will do the best they can, but the people do not have a chance to talk on these issues. The amendment I have made enables the people to come in and recommend economies which might be effected.

Mind you, I do not ask to be appointed on the committee. I simply ask that the President of the Senate and the Speaker of the House each appoint three men to see what they can do. The gentleman from Kennebunk (Senator Wentworth) moves the indefinite postponement of the measure. Shall we increase our expenses at the rate we have in the past? Shall we continue to increase the burdens upon the people without seeing what economies can be made in the state?

Now, members of the Senate, it doesn't matter to me if you say, or

if the honorable Senator from Kennebunk (Senator Wentworth) says that I seek publicity. I do not care. It doesn't mean anything to me. You may say it is an "Amos and Andy stunt." It means nothing to me what any of you gentlemen think of me so long as I feel that I am doing what is right. I call to your attention that the only thing I have asked you to do is what your Governor has asked you to do. Think what you will of me, but is there any reason why you should not follow what the only Republican leader, the only Republican governor we have had for four years when he says considerable economies can be effected? That is all I ask of you—do you want to follow your Governor? You may think what you like of me, but if you do not want to follow your Governor you will vote for the indefinite postponement of this measure as urged by Senator Wentworth.

I urge the adoption of this amendment and I urge that this committee be appointed, as I know the interests of all our people at home are too vitally interested to let this matter go down in any such way. I thank you, gentlemen.

MR. FERNALD of Waldo: Mr. President, well, we have generated a little interest in state finances thus far. We have been in the legislature here going on nine weeks and it might be well if we reviewed the record. I do not think this is the first time I have disagreed with members of the Senate and it is not the first time that I have disagreed with members of the House. Now, we are running a \$36,000,000 corporation over here. You know and I know that, in the words of the Senator from Cumberland, Senator Willey, this "show boat" administration could be improved upon because the last fiscal year we passed through the treasury \$36,000,000. If it was a "show boat" administration, and I am not going to disagree with that statement, I do not think it would be very difficult for a governor, cooperating with the legislature of the same political faith, by just the exercise of ordinary care, it would not be very difficult to save ten percent. Of course, ten percent around legislative halls now doesn't amount to much but in the terms of dollars and cents, back home it means \$3,600,000. Now, if you really want to get down and

work and get at the meat of this proposition, we could probably save twenty percent. Of course, twenty percent doesn't amount to much, but figured out on the basis of \$36,000,000 it means \$7,200,000.

We have been here, as I said, about nine weeks. I have been trying to find out what we have done and I sent a page out to find some of the things we have done—some of the bills we have passed. It might be well for me to point out to the members of the Senate that it costs \$210,000 to put on this show we put on every two years. \$210,000 would pay a lot of old age pensions and \$210,000 would build a lot of roads.

We have passed resolves in favor of William Sockabasin and John Nelson and we have changed the name of Ram Island. We have done something about taking clams in Harrington and fishing for lobsters in Winter Harbor and something about clams in Islesboro. We have granted the Forestry Department the right to sell some land and we have changed the name of Mount Katahdin to Howe Peaks, and we have assented to the provisions of the Bankhead-Jones Act which we have been doing business under for several years. We will regulate fishing in Sebago Lake. Mind you, this is all done at the expense of the people back home who are paying the bills and paying the freight on this stuff. We have devoted nine weeks to doing it. I think it is a splendid thing to change the name of Ram Island to Ram Mountain or whatever it is, and anyway, we have done it. We have passed a resolve in favor of Harry Libby in Portland and undoubtedly he needed it. We have authorized the Forest Commissioner to convey more land, and so forth and so on. We have provided for the keeping of wild birds.

Now, let's see what we have done here—we have provided for the acquisition of certain lands in the state by the United States. That is very fundamental and germane to our duties. We have provided for the building of a bridge at Kittery for the Boston and Maine Railroad. We have permitted the people of Knox County to copy records so that people can read them. That is important. We have given them another municipal court in Washington County, which has some merit and some demerit. We

have controlled the sewage on the Androscoggin River, and so forth and so on. And, by the way, we have passed a sales tax on beer without a hearing. We have placed a sales tax of 75% on beer. We sit here and say we won't pass a tax on incomes because the people with money don't want to pay it. We won't pass a tax on luxuries for the same reason, because the people with luxuries don't want to pay it. Of course, publicly in the press we are all against the sales tax, because we know that many of the people back home are coming down here and we want to be able to shake them by the hand and say "How are you? There is no need of your coming here because we are against it anyway. We do not want a sales tax. We are against it." We are consistent as usual. Now my proposition on this beer tax bill, while we have it under discussion—I do not care whether it is beer or ice cream or French hats—I do not think it is the way to tax, to tax anything out of existence. There is reason in all things. Of course, this beer tax is not going to cost me anything either.

Now, we have consolidated the Houlton Water District. We have extended the charter of the Quebec Extension Railway. We could do that without coming together here. We have changed the name of a school from Seminary to School. We have validated the act of some tax assessment of someone in Mason who didn't do the job right. We are going to extend the charter of Bangor.

That is all interesting and all important I suppose to some people, but the thought occurred to me that if I was a poor devil back on the farm or back fishing and hunting and trying to eke out a living out of the rockbound coast of Maine or out of the soil, it seems to me I would consider it "much ado about nothing" to take nine weeks to do it, because you know and I know that if we got down to business we could pass every one of these acts in two days.

Now we have been referred to and we have been lined up as radicals and conservatives, etc., and it seems to me it might be well to consider something of this proposition. I want to refer to just one of the opening remarks of our Governor which was, "The people of Maine have entrusted us with tasks we

have severally taken our oaths to perform." I do not think there is anything in my oath of office as a Senator or in my position as floor leader that says I shall not say anything about economy because, as a matter of fact, the thought has often occurred to me since my primary school days that economy was not partisanship. I thought it was a question all reasonable people had agreed upon. On the other hand, it occurred to me there was not any single group of people or any single committee of the legislature that was so constructed that they had all the brains of the legislature or all the brains of the State of Maine, and furthermore it seemed to me that possibly sometimes the legislature might want to consult with somebody who didn't happen to be elected to the legislature.

Now, let's look at one or two statements that have been made. Professor Hormell of Bowdoin. I do not know whether Hormell is a Democrat, Republican, Socialist, Communist, New Dealer or Old Dealer, but he says, "It has been stated, by competent financial authorities, and no one has offered to refute it, that the taking of the liquor administration out of political patronage and placing it on a strictly business basis would save some \$200,000 annually." That statement was made this year, 1937. Now before somebody gets up and says that we have changed the liquor administration, I am going to say that I am beginning to wonder whether in our change we have not jumped from the frying pan into the fire because as I read the news as reported by various news agencies, it seems to me that perhaps they have done away with one group of officials that didn't have anything to do and put in another group that didn't have anything to do, and I am not referring to the Commission, either. The thought occurred to me that I do not see why there is any need in the Liquor Commission,—and by the way, I have not heard any suggestion about this from the Appropriations Committee and think probably they have overlooked it,—and it is a matter of only about \$10,000, but we have two or three \$3,000 jobs, and of course what a business man would do would be to eliminate them, but I see they gave one of the jobs to Frank Ham. Now Frank is a good fellow and I understand he is a de-

serving Republican, but I do not know any reason why the Republican party should perpetuate in public office certain individuals, and as I look back, it seems to me everybody that worked for the Republican Party was on the salary list and most of them were well paid. Now, if we carry this thing through I think that we ought to take Belmont Smith and give him a leave of absence and put in his place J. Fred O'Connell because he worked well. I think we ought to pass a dog racing bill or cat racing bill and appropriate a good salary for the handling of that and give the job to Gene Sewall. We ought to do something for Dan Field, too. I cannot think of any job we can give Dan, but undoubtedly we can find something for him. We could probably make him Commissioner of the State Deficit and give him a good salary for doing it.

In all seriousness, every one of you know you can save money if you want to. It may be you will have to step on the toes of some official in your county, as I will have to step on the toes of some official in my county, or you may have to step on the toes of some official of the department you like, but we know you can save money but you have got to have a little intestinal fortitude to do it.

Mr. President, before I get through I want to make the suggestion that the vote on this matter be taken by roll call and I want the members of the Senate to go on record as favoring economy. I know how people back home feel because I go back once in a while and I know they are for economy.

If any member of this Senate will rise in his chair and publicly ask me, and not go behind closed doors and gang up, but ask me or tell me that he or she wants me to resign as floor leader because I support the economy measure of Senator Willey, I will do it and do it right now, because if my duties as floor leader infringe upon my duties as Senator from Waldo, and as a Senator of the State of Maine, I am going to stand for economy and you can have a new floor leader.

Now you all listened to the Governor's Inaugural address. You know how he feels about economy. This is the Governor's administration. If you do not help to run an economical administration it doesn't mean that Roy Fernald or John

Wiley won't come back to the Senate. It means that we will have a one-term governor. We are at the cross-roads and we need courageous, militant and unselfish leadership. It is up to you Senators to do it. We are a small body. We can deliberate and we can consider it. Some of us have been through the ropes and have had some legislative experience. It is our job to cooperate with the Governor and do away with some expenses and unnecessary public functions and then, but not until then, talk about taxation.

If you are going to take a trip to California or take a trip to Colorado, the first thing you find out is how much it is going to cost. Now, we are on a trip somewhere in the State of Maine for the next two years. How much is it going to cost? Nobody knows. Let's find out how much it will cost and then cut our cloth of taxation accordingly. We have been going at this thing, all session, wrong end to. Let's straighten out, shake our heads and clear our minds and go at it in a straightforward manner as a business man would. We have business men here. We have people who represent business. For God's sake, let's consult with them. There have been countless business men who have come to Senator Wiley and myself and you others who have offered their efforts and the benefits of their experience unselfishly and without any thought of personal gain. Let's do something. It may be that Senator Wiley and myself do not have the solution, but let's make an effort to do something. It doesn't do any harm to try. If we try for a week on this we cannot do any less than the legislature has done for nine weeks. You know and I know we will not get out of here for another month. We will be here April Fool's Day. Let's get together and forget this petty selfishness, this jealousy and that hocus-pocus and get down to work. Let's bring in business men and some people who don't want to be beer inspectors or inspectors for the Department of Health and Welfare and who don't want an old-age pension, but who do understand and want the fundamental principles of economy. We must realize the State of Maine is made up of a population of some 800,000 people. We are not increasing rapidly in population or in wealth, but we have got to say "No". What the people of Maine want is

some representatives who can say "No." We have "Yes men" in Congress. Let's not follow their leadership and be "Yes men." I hope that this measure goes through and I hope further that the President will not appoint me on the committee and I hope he will not appoint John Wiley on the committee, but let's have appointed some of the people on the Appropriations Committee. They are a bright bunch of men and when there are things they do not know they might get someone else to help them out. Now you know how the people of Maine and the Press of Maine feel. The proposition of economy is striking a sympathetic cord, not only with the Press but with every thinking man and woman in Maine. We are not perfect by any means, but the least we can do is try to do our job and try to maintain our prestige as a legislative body and go forward, and go forward for the people that we represent. Thank you.

Mr. HUSSEY: Mr. President and members of the Senate, the President of the Senate appointed an Appropriations Committee to which was referred practically all appropriations that came before the legislature—not all of them. They have been busy during the session so far, meeting every day, taking up the various departments and institutions and the various resolves which have been sent to that committee. They have been using their best judgment on these bills. They have not reported out any of the bills carrying an appropriation outside of the Deficiency bill. This committee has not finished its duties. We expect next week to be able to turn out to the legislature those bills which they have heard, including the housekeeping expenses of the legislature. They have, of course, come to the legislature and will be tabled so that they can be scrutinized, gone over, and questions asked, and anything that should be done to them can be taken up on the floor. Now, as I say, the Appropriations Committee has acted in its fullest ability to keep expenses at their minimum and their efforts we hope will be available to you next week.

I do not really believe in trying to ask questions. I am sometimes wrong. I think in his remarks the Senator from Cumberland, Senator Wiley, who told me that I am

about \$5,000,000 off, might have been referring to appropriations set up two years ago. I hope he is mistaken in thinking I was talking about two years ago, not of the two coming years. Of course, the amount of expenses over those two years is estimated twenty-nine million and some odd thousand for the first year and \$30,000,000 for the second year. I didn't go into dollars and cents. I said, in round terms, \$30,000,000 and I think I am correct in that. It is not a matter of argument but just that I would correct myself if I have made a mistake in years. I was referring, as all my other items were, to the next two fiscal years, and not back along to what has gone over the dam. I believe the motion of Senator Wentworth should prevail. There is plenty of time after the appropriations are reported out, if the legislature still feels the departments and institutions should be cut, they could be cut at that time. I want to call your attention to the fact that a great amount of this \$10,000,000—round figures—is set up by statutes which the Appropriations Committee is unable to change. Over \$3,000,000 goes to the Educational Department. There are other departments set up such as in the Agricultural Department certain moneys are set up by statute and those cannot be changed except by changing the laws set up on our books, and anyone in the legislature has that opportunity to put in a bill changing those. It is not necessarily up to the Appropriations Committee to do it if they see they are fair and just. I hope that the motion of the Senator from York, Senator Wentworth, prevails.

Miss LAUGHLIN of Cumberland: Mr. President, it seems to me that the amended order presented by the Senator from Cumberland, Senator Willey, is a very different matter from the original, the sum and substance of it. I think we have wandered pretty far afield. We have passed, it is true, a lot of bills here. We have passed upon them because the people of the State were interested in them and it is a part of our duty. This amended order is simply a committee, as I heard it read and as I saw it too, to devise ways and means, if possible, to make some savings. Now, that is a different thing from just an attack or investigation of all departments.

My mind goes back to four years ago when very close to the end of the session we passed an order to appoint a committee then to devise ways and means to meet a deficit because we still failed to make our income equal to our outgo, and that we were obliged to do. Now, it does seem to me it might be a valuable thing at this stage of the game and not right at the end of the session we passed an order to mittee whose special purpose would be to find if there is some way we can economize. As I look at this set-up, there are some that would occur to me right here, I do not mean it as a criticism of the Budget Committee or the Appropriations Committee. I do not think it was possible to get everything before them so that they could make the economies.

I happen to know on one occasion a head of a department years ago had not spent all the money allotted to him by the Appropriations Committee, and I know the trustees of some of the institutions thought there were some things they needed and they proposed, as long as the unexpended amount would have to be turned back, to spend it for those things; but this department head—he is no longer here—but he was a very astute politician said, "Ah, I will win out better if I turn back this money and then the Appropriations Committee will see that I am doing all I can to save money and I will get a lot bigger appropriation because I do it that way."

There are these things to consider and I think it might be proper to have a committee which is not an attacking committee or anything of that kind and not reflecting upon anybody, to have an opportunity to see if it isn't possible to make some economies. After the Appropriations Committee has done its best here and the set-up given us and even leaving off some of the things I think can be left off, we are still facing the fact that our known income is less than our known or expected outgo, and so while it would seem to me while we are running here to the best of our ability to meet the new expenses and increases, we might also spend some time in seeing if there is not some way by which we can reduce expenses, and so it would seem to me as though it would be a wise thing to appoint this committee

solely for the purpose of seeing if they can, if possible, devise some way by which we can reduce expenses at the same time that we are facing the problem to know how to meet the inevitable increased expenditure along other lines.

Mr. HUSSEY: Mr. President, may I have the privilege of speaking the second time?

The PRESIDENT: If there is no objection on the part of the Senate, the Senator from Kennebec, Senator Hussey, may speak a second time on the matter before the Senate.

Mr. HUSSEY: Mr. President, I would like to say at this time that the Appropriations Committee, as I have already said, will report out next week an appropriations bill, not for its final passage but so that you may see the total amounts. I think it would be just and right if you would allow them this extension of, at least, a little over a week in order that they may prepare and present their appropriations bill, and thus not hinder the work the committee is trying to do for the legislature.

If an order like this should pass, they would feel—and I think I can speak for them—that somebody is possibly taking over their duties and that therefore they should not go any further and that would be bound to hold up the progress of this legislature.

I hope I have made myself clear on this. I think it would hinder the work of the Appropriations Committee if they were not allowed to present their appropriations bill without being tied down by such a committee as you are contemplating naming.

Mr. FERNALD: Mr. President, may I ask the Senator from Cumberland, Senator Willey, a question through the Chair?

The PRESIDENT: The Senator from Waldo, Senator Fernald, wishes to ask a question through the Chair of the Senator from Cumberland, Senator Willey, which that Senator may answer through the Chair if he desires.

Mr. FERNALD: As I understand it, Mr. President, there is nothing in this order that trespasses or limits or affects in any way the Committee on Appropriations and I would like to ask the Senator from Cumberland, Senator Willey, if that is true, if he gets my question.

Mr. WILLEY: Mr. President, responding to the Senator from Wal-

do, Senator Fernald, I answer in the negative; there is nothing in that order that would in any way interfere with the work of the Committee, but, on the other hand, there is everything in the order that might be of great assistance to the Committee in trying to work out solutions of some of these matters which they say can only be worked out by our statutory law and which the passage of this order would make possible.

Mr. FERNALD: I thank the Senator, Mr. President.

Mr. SEWALL of Sagadahoc: Mr. President, through the Chair I would like to ask a question of the Senator from Waldo, Senator Fernald.

The PRESIDENT: The Senator from Sagadahoc, Senator Sewall, wishes to ask a question through the Chair of the Senator from Waldo, Senator Fernald. He may do so and the Senator from Waldo, Senator Fernald, may answer if he desires.

Mr. SEWALL: Mr. President, I am not absolutely sure that I heard the Senator from Waldo, Senator Fernald, correctly, and I would like to ask that Senator if I understood him correctly that we had passed a seventy-five percent sales tax on beer without a hearing. Was that correct? Did I understand that correctly?

Mr. FERNALD: Well, Mr. President, I will say to the Senator that of course the answer to that depends upon your point of view. The fact remains that we had a hearing on a lot of bills and you know if we should pass a tax on ash trays for a dollar apiece we could probably go back through the files and find that somewhere there was a bill there that covered the subject matter. But as a matter of fact, on the new draft of the bill the ink wasn't any more than dry before they jammed it through and, as a matter of fact, people more familiar with figures than myself have figured it out that it is a seventy-five percent sales tax upon the wholesale price of beer and we figure on the wholesale price because it is the wholesalers who pay the tax. Whether or not that is correct all depends on the point of view, but it seems to me that the whole procedure was a little irregular under the presumably democratic form of government that we feel we are living under in this sovereign State

of Maine up here in the northeastern part of the United States, isolated from greed, hypocrisy, graft and so forth.

Mr. SEWALL: Mr. President, I grant that it is difficult to follow the progress of this legislature here in Augusta when one is in Washington, but it happens that I wasn't in Washington on that day. I was on the tax committee and we had a hearing on a bill—Legislative Document 723, I think it was, an excise tax on malt beverages—and then finally we struck out something to put in something else, two cents on each and every twelve ounces.

Now, we had a hearing on that and, as a matter of fact, we didn't put on quite as heavy a tax as was allowed in there, and I yet cannot see how anybody can say that we put a seventy-five per cent sales tax on beer.

Now, the Senator may have a financial wizard somewhere who sold him the view that we put on a seventy-five per cent tax on beer. In other words, we must have put a seven and a half cent tax on a ten cent drink. But I can't figure it that way and I think that in order that the record may be kept straight, this financial wizard or whoever he is who figured out the seventy-five per cent should be brought in to show us how we did this thing.

Mr. FERNALD: Mr. President, in order that the Senator may continue his mental gymnastics I will say that if we include the federal tax on beer our tax on it would amount to a hundred and forty per cent. There is another one for the Senator to figure on.

About this trip to Washington. I am glad that the Senator brought that up because as I understand it on a certain Tuesday he was one of the Senators who so kindly granted a week's absence to myself and the Senator from Cumberland, Senator Willey. We left on a Tuesday and were absent on Wednesday, and we returned on Thursday. And while I am on my feet I might suggest to the Appropriations Committee that they might make some inquiry, when they are not too busy, and find out just how much of those profits on the sales of liquor that we have been talking about and that they have set up as an asset, how much of those profits they have got to turn back to the

federal government. I haven't heard anybody say anything about that but the fact is we have made a lot of profits on liquor and we are setting them up as an asset, as a revenue, but I am wondering if we won't have to turn back quite a considerable sum to the federal government, just a matter of several hundred thousand dollars that undoubtedly in the press of business the Appropriations Committee has overlooked. I just mention that as a matter of suggestion.

Mr. SEWALL: Mr. President, of course it is interesting when you go to Washington. I suppose you do learn more about federal taxes. But I still want to come back to the point, did we or did we not impose a seventy-five per cent sales tax on beer at this particular time in the state, not in Washington?

Mr. FERNALD: My answer through the Chair, Mr. President, is still in the affirmative.

Mr. WILLEY: If I were to be facetious, Mr. President, I should like to answer the Senator from Sagadahoc (Senator Sewall) and say that I believe that the day before he was in Chicago. But I think that all this talk about a tax on beer or whether there was any notice or whether there wasn't, or what-not, is all irrelevant to the issue before us. There is a very plain, simple order before this Senate. The order means just this: Shall this Senate and this legislature endeavor to try to effect some economies?

In closing, I again urge the passage of the order as amended and I want to quote an old saying often used by our forefathers, that there is just one thing in this world that is worse than a failure and that is not to try.

The PRESIDENT: Under the rules of the Senate, the pending question is on the motion of the Senator from Cumberland, Senator Willey, that Senate Amendment "A" be adopted.

Mr. KENNEDY of Hancock: Mr. President, I move that this order lie upon the table pending the report of the Committee on Appropriations.

The PRESIDENT: The Senator has the right only to make a motion to table the order pending the adoption of Senate Amendment A. Does the Senator wish to make that motion?

Mr. KENNEDY: If you please, Mr. President.

The PRESIDENT: The Senator from Hancock, Senator Kennedy, moves that the joint order relative to economy in State affairs, be laid upon the table pending the adoption of Senate Amendment A.

Miss LAUGHLIN: Mr. President, did I understand the motion correctly that it was to lay the order upon the table pending the report of the Appropriations Committee?

The PRESIDENT: The pending question is on the motion of the Senator from Hancock, Senator Kennedy, that the order be laid upon the table pending the adoption of Senate Amendment A.

Miss LAUGHLIN: Because, of course, Mr. President, it is debatable if it has conditions attached to it and we might very well raise the question that the only point would be to perhaps help the Appropriations Committee, because afterwards it would be pretty late.

The PRESIDENT: The Senator from Hancock, Senator Kennedy, has withdrawn his original motion and the pending question is now the tabling of the joint order pending the adoption of Senate Amendment A.

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

The PRESIDENT: The Senator from Cumberland, Senator Willey, asks for a division. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-one having voted in the affirmative and four opposed, the

motion of the Senator from Hancock, Senator Kennedy, prevailed and the order was laid upon the table pending the adoption of Senate Amendment A.

On motion by Mr. Cook of Somerset, the Senate voted to take from the table An Act Amending the Bate's College Charter (H. P. 1657) (L. D. 793), tabled by that Senator on March 5th, pending passage to be engrossed in concurrence; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

Order

(Out of Order)

On motion by Mr. Hussey of Kennebec, out of order and under suspension of the rules, it was

Ordered, the House concurring, that the Governor be requested to return to the Senate for further consideration Legislative Document 196, "An Act Relating to the Duties and Functions of the Maine State Poultry Association and the Androscoggin Poultry and Pet Stock Association."

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Graves of Hancock

Adjourned until tomorrow morning at ten o'clock.