

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

Wednesday, March 17, 1937.

Senate called to order by the President.

Prayer by the Reverend A. T. McWhorter of Augusta.

Journal of yesterday, read and approved.

From the House: Joint Order, Relative to Blood Tests Made on Persons Driving Motor Vehicles While Intoxicated or Under the Influence of Liquors or Drugs (S. P. 439).

(In the Senate, on March 12th, read and passed and sent down for concurrence.)

Comes from the House passed as amended by House Amendment "A" in non-concurrence.

In the Senate, House Amendment "A" was read.

Thereupon, on motion by Mr. Hussey of Kennebec, the order and House Amendment "A" were laid upon the table pending consideration.

From the House: "An Act to Amend the City Charter of Brewer" (H. P. 1104) (L. D. 360).

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

In the Senate, the report was accepted and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was tomorrow assigned for second reading.

From the House: "An Act Relating to Mileage Compensation by County Officials" (H. P. 1178) (L. D. 435).

In the House, recommitted to the Committee on Salaries and Fees.

In the Senate, recommitted to the Committee on Salaries and Fees in concurrence.

House Bills in First Reading

"An Act Relating to the Termination of Organization of Towns or Plantations" (H. P. 1166) (L. D. 431), in new draft (H. P. 1710) (L. D. 835).

"An Act Providing for Assessment of Premium Notes and Insurance Contracts" (H. P. 626) (L. D. 179), in new draft (H. P. 1711) (L. D. 834).

Reports of Committees

Mr. Worthen from the Committee on Inland Fisheries and Game on bill "An Act Relating to Hunting Licenses for Residents and Non-residents," (S. P. 390) (L. D. 731) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on bill "An Act Relative to Non-resident Licenses," (S. P. 314) (L. D. 589) reported that the same ought to pass.

Mr. Marden from the Committee on Military Affairs on bill "An Act Relating to Retirement of Officers," (S. P. 346) (L. D. 699) reported that the same ought to pass.

Which reports were read and accepted, the bills reads once and tomorrow assigned for second reading.

Mr. Willey from the Joint Committee to Effect Economies in the Administration of the Affairs of the State, Created Pursuant to a Joint Order reported with certain recommendations to the Legislature.

Mr. WILLEY of Cumberland: Mr. President, in order to save expense I would suggest that this be not printed but I would suggest, and move, that it be read except insofar as the tabulations, which would be difficult to read. I would suggest that the Secretary read only the aggregate sums at the end of each column.

The PRESIDENT: The Senator from Cumberland, Senator Willey, moves that the Secretary read the report omitting therefrom any figures except the aggregate sums contained in the report.

Mr. SEWALL of Sagadahoc: Mr. President, I think we should hear it all read. I have just seen a copy in the paper this morning.

The PRESIDENT: Does the Senator withdraw his motion?

Mr. WILLEY: Well, Mr. President, the only thing I had suggested was that the amounts in fees, legal fees, that pertain to mileage or taxi hire and all that incidental data be omitted and simply the name of the party to whom paid and the aggregate amount paid be read. I have no objection to reading it all. I was simply trying to spare reading.

The PRESIDENT: Is it the pleasure of the Senate that the report be read omitting therefrom the

itemized figures in regard to the fees of the Attorney General's Department?

Mr. WILLEY: But including the aggregate, Mr. President.

The PRESIDENT: But including the aggregate.

The motion prevailed and the Secretary read the report:—

To the 88th Legislature of the State of Maine

FIRST REPORT OF JOINT COMMITTEE ON ECONOMY

The Joint Committee on Economy, pursuant to a joint order, Senate Paper 430, begs leave to submit the following recommendations to effect economies in the administration of the affairs of the State, together with necessary appropriate remedial legislation to put same into effect.

The following recommendations, if adopted by the Legislature, will make a saving of \$227,000.00 for the biennium of 1937-1939.

Respectfully submitted,

COMMITTEE ON ECONOMY
(Signed) JOHN E. WILLEY,
Chairman.

(Signed) ROY L. FERNALD,

On the part of the Senate.

We, the undersigned members of this Committee, do not join in this report because we are **not certain whether the order** creating this Committee contemplated a report being filed by this Committee of five, or a report being filed by this Committee together with the **Committee on Appropriations and Financial Affairs.**

We do wish to go on record as **having worked with the Committee** of five in drawing this suggested Economy Report and we believe that these suggestions, together with others which we may have at a later date should in some manner be brought to the attention of the Legislature for its consideration forthwith.

(Signed) CLIFFORD G. CHASE,
House Chairman.

(Signed) MALCOLM P. NOYES,
(Signed) GEORGE D. VARNEY,
Secretary.

Tuesday, March 16, 1937.

1. Recommendations of the Committee on Economy Concerning Augusta State Airport

The Report of the Committee on State Budget, concerning the Augusta State Airport, as found on page 9 of said report, discloses an

expenditure for the past two years in the aggregate sum of \$22,565.00 represented by a State appropriation of \$5,000.00 for the fiscal year of 1935-1936, and an equal amount for the fiscal year of 1936-1937, or a total State appropriation of \$10,000.00, plus a transfer of \$12,565.00 during the fiscal year of 1935-1936, of which \$1,827.00 was used to purchase a new snow plow.

The requested appropriation for the fiscal year of 1937-1938 is in the aggregate amount of \$13,000.00, and an equal amount for the fiscal year of 1938-1939, making a total requested appropriation in the amount of \$26,000.00. The budget recommendations of the Legislative Advisory Committee on Budget has recommended that the sum of \$13,000.00 be appropriated for the fiscal year of 1936-1937, and \$13,000.00 for the fiscal year of 1938-1939, an aggregate State appropriation of \$26,000.00.

Prior to 1935 no such appropriations were contained in the State budget and this began as follows at the last Legislature:

On February 5, 1935, Senator Hussey of Kennebec, presented "Resolve to Appropriate Funds for the Purchase of Land from the City of Augusta to be added to the State Aviation Field at Augusta." This was S. P. 352, and was by the Senate referred to the Committee on Appropriations and Financial Affairs, and was sent down for concurrence on the same day.

See Legislative Record 1935. Page 133.

This resolve did not again appear in the halls of either branch of this Legislature until April 6, 1935, which was the final legislative day of that session.

On that date when the session was well advanced, out of order and under suspension of the rules, Senator Thatcher from the Committee on Appropriations and Financial Affairs, reported on "Resolve to Appropriate Funds for the Purchase of Land from the City of Augusta to be added to the State Aviation Field at Augusta," Senate Paper 352, reported the same in a new draft, S. P. 726, under a new title, "Resolve for the Acquisition of Additional Land for the Use of an Airport and Appropriating Money Therefor," and that it ought to pass, which report was read and accepted, the resolve read one, and under

suspension of the rules, read a second time and passed to be engrossed.

Legislative Record 1935 Page 972.

Senator Fernald of Waldo then inquired as follows:

"Mr. President, I would like to know the amount of appropriation which the last resolve carried?"

The Secretary then read the resolve. Thereupon, upon motion of Senator Jackson of Sagadahoc, the Senate voted to reconsider its action whereby the resolve was passed to be engrossed, and upon further motion, the resolve was laid upon the table.

Legislative Record 1935 Page 972.

It is apparent from the records that at that late hour, and when the hour of adjournment was well at hand, printed copies of this resolve had not been made available to the members of either branch of the Legislature.

On motion of Mr. Jackson of Sagadahoc the Senate voted to take the resolve from the table and Senator Jackson then remarked in part as follows:

"Mr. President, in examining the original draft I find that it provided for an appropriation of \$30,000.00. The new draft, I am informed by members of the Appropriations Committee, was supposed to provide for the paying of \$5,000.00 a year revenue for 2 years, that \$10,000.00 to be applied to the purchase price of \$30,000.00.—" "In examination of the new draft I found that no mention is made of the \$30,000.00, neither is any mention made that the revenue shall be applied to the purchase price.—"

Senator Jackson, after further remarks, moved to indefinitely postpone the resolve, whereupon Senator Schnurle tabled the resolve.

Legislative Record 1935

Page 994

Later in the morning, upon motion of Senator Schnurle, Senate Amendment "A" was offered and its adoption moved. Senate Amendment "A" to Senate Paper 726, reads as follows:

"Senate Amendment A to S. P. 726, Resolve for the Acquisition of Additional Land for the Use of an Airport and Appropriating Money Therefor. Amend said resolve by striking out the last paragraph thereof, the words 'Be it further

resolved: That there be and hereby is appropriated the sum of \$5,000 to be expended for the rental of said property for each of the two years commencing July 1, 1935' and substituting in place thereof the following: 'Be it further resolved, that said lease shall be for the period of six years, the annual rental therefor to be the sum of \$5,000, and on the completion of said rental payments, to wit, \$30,000, the said city shall convey to said State by good and sufficient deed said land together with all buildings and appurtenances, and the sum of \$5,000 is hereby appropriated for each of the fiscal years of 1935-1936 and 1936-1937. In case no further appropriation be made by said state, the said city shall refund to said State an equitable proportion of the rentals received by said City.'"

Senate Amendment "A" was adopted.

After remarks by Senator Hussey, the bill, as amended by Senate Amendment "A" was passed to be engrossed, and sent down for concurrence.

Legislative Record 1935

Pages 1005-1006

Out of order and under suspension of the rules, the resolve was finally passed and the money appropriated therefor.

Legislative Record 1935

Page 1014

The next official record of the Senate after this resolve was finally passed appears on page 1014 of Legislative Record of 1935, and reads as follows:

"On motion by Mr. Burkett of Cumberland, it was

"Ordered, that a message be sent to the House of Representatives informing that body that the Senate has transacted all business which has come before it and is ready to adjourn without delay."

The Joint Committee on Economy begs leave to report the following recommendations concerning Augusta State Airport:

1. That no appropriations be made for the Augusta State Airport, so-called, for the biennium 1937-1938 or thereafter, thereby reducing the recommended State budget \$26,000.00.

The reason for the Committee's recommendation in this matter is that:

The subject matter is against public policy, discriminatory, unwise, unbusinesslike, and would undoubtedly lead to similar demands and requests for financial State aid for airports in other communities equally as deserving as Augusta.

2. That the Attorney General is directed to collect from the City of Augusta an equitable proportion of the rentals received by said city as provided in Chapter 132 of the Resolves of 1935.

This action should provide an additional revenue for the State of at least \$10,000.00.

3. Your Committee further recommends that no legislative matter carrying an appropriation be considered by this Legislature between the hours of eight o'clock P. M. and eight o'clock A. M., actual Standard Time, on any day.

The foregoing recital of facts concerning the enactment of Chapter 132 of the Resolves of 1935 seems to the Committee sufficient to justify this third recommendation.

4. The total saving suggested by this recommendation aggregates \$36,000.00.

Recommendations of the Committee on Economy Concerning Insurance of State Property.

The Joint Legislative Committee on Economy recommends that no appropriation be made for the biennium 1937-1939 on the item of Insurance of State Property as outlined on page 55 of the Maine State Budget Report of 1937 and submits remedial legislation under title "An Act Prohibiting the State to Insure any of its Property Against Fire." If accepted this recommendation may make a saving of \$80,000 for the biennium.

The reasons for the recommendation are as follows:

1. It is sound business practice for the State of Maine.

2. The precedent for this recommendation is well established in the following states.

1. Massachusetts.
2. Washington.
3. Iowa.
4. California.
5. Ohio.
6. South Dakota.
7. New Hampshire.
8. Mississippi.
9. Kansas.
10. Minnesota.

11. Nebraska.
12. Indiana.
13. Texas.
14. Oklahoma.
15. New York.
16. District of Columbia.
17. West Virginia.
18. United States Government.
19. Illinois.
20. Montana.

While eleven other states do not insure through private companies but set up reserve funds.

3. It is also the practice of large business corporations with diversified risks to act as self insurers, for example:

1. New York Central Railroad.
2. Gulf Refining Company.
3. United States Steel Corporation, and many others.
4. The average loss from fire over a period of years to the State of Maine does not justify the proposed appropriations.

3. Recommendations of the Committee on Economy Concerning Maine Egg Laying Contest.

Your Joint Committee on Economy begs leave to recommend that there be no appropriation made for the Maine Egg Laying Contest for the fiscal years of 1937-1938 and 1938-1939.

Reason for recommendation.

The Maine Egg Laying Contest was first started in the year of 1930. Appropriations made by the State for Maine Egg Laying Contest are as follows:

1929	\$20,000.00
1931	5,000 00
1932	4,000.00
1933	4,000.00
1934	3,500.00
1935	3,500.00
1936	3,500.00
1937	3,500.00

A total aggregate appropriation of \$47,000.00.

The Committee on Economy feels that in the past the State has been very generous in its support of this Contest, but because of the present financial condition of the State, we feel that this expenditure could be more widely expended for: care of the needy, old age pensions, education, and other necessary public functions.

This recommendation will reduce the estimated budget requirements for the biennium 1937-1939 approximately \$7,000.00.

4. Recommendations of the Committee on Economy Concerning Legal Fees.

The Joint Legislative Committee on Economy reports that \$25,897.89 was expended in 1936 for legal fees as per itemized sheet attached. Your Committee recommends that the salary of the Attorney-General be increased from \$4,000 to \$5,000 per year and recommends that all further legal opinions, advices and services of the Maine Liquor Commission, Milk Control Board, Racing Commission, Social Welfare Department be obtained from the Attorney-General's Department.

The Committee further recommends that all further criminal investigation necessary for the Attorney-General's Department be carried on by the State Police.

The Committee further recommends that the budgets of the departments affected be reduced accordingly for the functions absorbed by the Attorney-General's Department, and the State Police.

The estimated yearly saving by these economies is about \$20,000.00 or a total of \$40,000.00 for the biennium.

The Committee further recommends in the interest of economy and because his services can be dispensed with, without any injury to the public service, that John P. Carey, Legal Adviser, State Liquor Commission, be immediately dismissed from the State's service.

5. Recommendations of the Committee on Economy Concerning "Legislative Document No. 189, An Act Relating to the Safeguarding of Clam Flats."

The Joint Legislative Committee on Economy begs leave to recommend the adoption of Senate Amendment "A" to said act, a copy of which is attached hereto.

The amendment reduces the amount to be spent in the eight counties from \$1,500.00 per county to \$500.00 per county.

The reasons for this recommendation are as follows:

Your Committee has made a careful investigation of the subject matter with competent authorities and feels that the purposes of this act can be fully carried out by the reduced appropriation of \$8,000,000. The amount saved to the taxpayers of Maine by this amendment is \$8,000,000.

An Act Relating to the Safeguarding of Clam Flats (L. D. 189).

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

Clams and clam seed, protected.

It is hereby declared to be the intent of the legislature to safeguard the propagation of clams and clam seed along the sea coast of the state.

The commissioner of sea and shore fisheries is hereby directed and authorized to prepare and issue the necessary rules and regulations

STATE OF MAINE—Legal Fees—January—December, 1936

ATTORNEY GENERAL'S DEPARTMENT

	Salary	Tel.	Railway	Tolls	Taxi	Mileage	Meals	Hotel	Grat.	Total
Franz Burkett	\$2,588.50	\$30.75	\$22.15	\$1.00	\$1.05	\$16.30	\$27.65	\$2.50	—	\$2,689.90
Frank Cooper	3,047.75	11.45	50.00	5.05	—	1,028.95	440.10	206.95	—	4,790.25
Ralph Farris	4,115.00	2.36	8.10	12.60	.50	962.60	390.90	146.50	\$2.90	5,641.46
Harold Maguire	850.00	—	—	—	—	409.65	151.50	10.00	—	1,421.15
Frank Rogan	250.00	1.65	—	1.10	—	85.75	18.35	8.00	—	364.85
RACING COMMISSION										
John Willey.....	300.00	6.35	—	—	—	13.95	—	—	—	320.30
LIQUOR COMMISSION										
John Carey	2,000.00	95.97	102.66	1.95	6.19	266.80	106.39	21.50	2.40	2,603.86
PUBLIC UTILITIES COMMISSION										
Frank Libby	3,120.00	3.45	—	—	—	—	92.85	71.85	15.80	3,303.95
EXECUTIVE DEPARTMENT										
F. Harold Dubord	100.00	—	—	—	—	—	—	—	—	100.00
SOCIAL WELFARE DEPARTMENT										
Leroy Folsom	3,500.00	14.14	34.58	1.50	—	778.05	203.65	130.25	—	4,662.17
Totals.....	\$19,871.25	\$166.12	\$217.49	\$23.20	\$7.74	\$3,562.05	\$1,431.39	\$597.55	\$21.10	\$25,897.89

that would carry out the foregoing intent.

The sum of \$12,000 is hereby appropriated for the foregoing purposes, to be expended under the supervision of the said commissioner, as follows: \$1,500 in each of the following counties: York, Cumberland, Sagadahoc, Knox, Lincoln, Waldo, Hancock, and Washington.

Senate Amendment "A" to Legislative Document No. 189, An Act Relating to the Safeguarding of Clam Flats.

Strike out in the seventh line of said act the number "\$12,000" and substitute therefor the number '\$4,000,' and in the ninth line of said act, strike out the number "\$1,500" and substitute therefor the number '\$500.'

6. Recommendations of the Committee on Economy Concerning One Number Plate for Motor Vehicles.

The Joint Legislative Committee on Economy further recommends that the Secretary of State be directed to provide only one number plate for motor vehicles for the biennium 1937-1939, thereby making a saving of approximately \$15,000.00. We also recommend that this saving be deducted from the appropriation of the Motor Vehicle Division, Department of the Secretary of State, page 60 Maine State Budget Report of 1937. This matter can be taken care of by a bill now before the Committee on Appropriations and Financial Affairs.

Reasons for Recommendations.

Present cost per plate per pair 6½c
Present cost per single plate 4c

Postage per plate, first and second zone 8c; 9c third zone for over six figures; 3rd zone above Houlton and South of Springfield, Mass.; between Springfield, Mass., and below New York City is the 3rd zone; beyond that is the 4th zone for which plates are 12c per pair. In the 3rd zone 11c for six figures or over. Single plates go anywhere for 6c — come under 5 1-2 ounce basis.

Postage for the fiscal year 1935-1936 amounted to \$3,590.72; stamps \$10,586.39, which covers postage on printed matter, certificates, etc.

Approximately 220,000 plates made at 2½c difference in cost of plates makes a difference of \$5,500.00. The difference in postage between 8c, 9c rate and 6c on portion shipped by

mail would approximate another \$1,000 or a total of \$6,500.00 approximate saving between one and two plates. The increase in the price of steel may increase the saving to \$7,500.000 annually, or a total economy of \$15,000.00.

7. Recommendations of the Committee on Economy Concerning State Racing Commission.

Your Joint Committee on Economy begs leave to recommend that section one of chapter 130 of the Laws of Maine, 1935, be repealed and a section substituted to provide for one commissioner with a salary of \$2,000.00, and an expense account of \$5,000.00, out of which shall be paid all clerk hire, office expenses and travel. This recommendation, if adopted, will reduce the budget recommendations for the biennium in the amount of \$16,000.00.

Your Committee further recommends that section 16 of the Laws of 1935 be amended so that the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of 5, shall be paid into the general funds of the State of Maine.

This recommendation, if accepted, will yield the State additional revenue for the biennium of 1937-39, in the approximate aggregate amount of \$25,000.00.

Reasons for the first recommendation.

The administrative duties required under the act are not of sufficient diversity to require a division of the duties, and can be more efficiently performed by one executive. The functions under this act do not require partisan representation as under the present commission form. The Committee cites as a precedent the method used by organized baseball.

Mr. SEWALL of Sagadahoc: Mr. President, I move that the report of the Committee be received and placed on file pending receipt of such bills as may be recommended by the Committee pursuant to the joint order creating the Committee.

The PRESIDENT: The Senator from Sagadahoc, Senator Sewall moves that the report be placed on file pending receipt of bill or bills that may be recommended by the Committee hereafter. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: This being a joint report it will be transmitted to the House forthwith for such action as that Body may see fit to take.

Passed to be Engrossed

Bill "An Act to Provide for the Surrender by Town of Carroll of Its Organization." (H. P. 297) (L. D. 95)

Bill "An Act Relating to Closed Time on Deer in York County." (H. P. 608) (L. D. 199)

Bill "An Act Defining Membership in Mutual Fire Insurance Companies." (H. P. 624) (L. D. 181)

Bill "An Act Relating to Delinquency in Payment of Insurance Assessments." (H. P. 625) (L. D. 180)

Bill "An Act Relating to Fly-fishing." H. P. 856) (L. D. 264)

Bill "An Act to Provide for Issuing Duplicate Hunting and Fishing Licenses." (H. P. 1706) (L. D. 831)

"Resolve Limiting Weir Fishing for Salmon in Penobscot River." (H. P. 1708) (L. D. 833)

Which bills and resolve were read a second time, and passed to be engrossed in concurrence.

Bill "An Act Relating to Finger Prints and Photographs of Persons Suspected of Crime." (S. P. 398) (L. D. 762)

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

Sent down for concurrence.

Passed to Be Enacted

Bill "An Act Decreasing the Subsidy Contributed by the State Relative to Physical and Industrial Education." (S. P. 170) (L. D. 247)

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

Bill "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)

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

Bill "An Act Relating to Clerk Hire in the Registry of Deeds in Arcectook County." (S. P. 400) (L. D. 760)

Bill "An Act Relating to Operators' Licenses." (H. P. 469) (L. D. 159)

Bill "An Act Relative to the Maine Unitarian Association." (H. P. 474) (L. D. 162)

Bill "An Act Relating to the Maintenance of the Androscoggin Lake Dam." (H. P. 615) (L. D. 187)
(On motion by Mr. Wentworth of York, tabled pending passage to be enacted.)

Bill "An Act to Extend the Rights, Powers and Privileges of the Sabattus Water and Sewer District." (H. P. 628) (L. D. 205)

Bill "An Act Relating to Town Ordinances." (H. P. 1062) (L. D. 355)

Bill "An Act Relating to Boxing Contests." (H. P. 1063) (L. D. 317)

Bill "An Act Defining the Word 'Chauffeur.'" (H. P. 1423) (L. D. 575)

Bill "An Act Relating to Motor Cycles." (H. P. 1425) (L. D. 577)

Bill "An Act Requiring Proof of Insurance Before Exemption from Registration Fees in Certain Cases." (H. P. 1427) (L. D. 631)

Bill "An Act Relating to Fees for Registration of Motor Trucks." (H. P. 1432) (L. D. 581)

Bill "An Act Relating to All Railroads." (H. P. 1561) (L. D. 705)

Bill "An Act Creating a Recorder and Raising the Jurisdiction of the Norway Municipal Court." (H. P. 1681) (L. D. 811)

Bill "An Act to Incorporate the Danforth Water District." (H. P. 1693) (L. D. 827)

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Old Orchard Beach." (H. P. 1694) (L. D. 828)

Finally Passed

"Resolve Relating to the Taking of Clam Worms." (S. P. 406) (L. D. 784)

"Resolve in Favor of Ernest R. Woodbury of Saco." (H. P. 1023) (L. D. 822)

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

"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. 1319) (L. D. 808)

(Emergency Measure)

Bill "An Act to Create the Hampden Water District." (H. P. 1692) (L. D. 826)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table An Act Regulating Collection Agencies (H. P. 1634) (L. D. 774) tabled by that Senator on February 25th pending reference in concurrence.

Mr. SPEAR: Mr. President, I would like to inquire if the Committee on Reference of Bills has suggested any committee?

The PRESIDENT: The Chair will state that the Committee on Judiciary has been suggested by the Committee on Reference of Bills.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Judiciary "Ought to Pass" on bill, An Act to Require the Use of Safety Glass on Motor Vehicles (H. P. 1095) (L. D. 375), tabled by that Senator on March 12th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted, in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

The PRESIDENT: We are proceeding under Orders of the Day with relation to the tabled matters and as there are quite a few on the calendar the Chair suggests that some of these be taken off, if possible, at this time. The calendar is quite cluttered.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Resolve Relating to Fishing for Ground Fish in Sheepscot Bay (H. P. 1662) (L. D. 789) tabled by that Senator on March 11th pending final passage.

Mr. FERNALD of Waldo: Mr. President, I now move that the resolve be finally passed and I ask for a division.

This resolve being an emergency measure and having received the affirmative vote of 28 members of

the Senate, and none opposed, was finally passed.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table An Act Relative to Possession of Firearms or Fishing Tackle (H. P. 447) (L. D. 151) tabled by that Senator on February 26th pending adoption of House Amendment "A"; and on further motion by the same Senator House Amendment "A" was read and adopted and the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Joint Order Relative to Investigation of State Liquor Commission (S. P. 40) tabled by that Senator on January 13th pending adoption of Senate Amendment "A".

Mr. WILLEY of Cumberland: Mr. President, in view of the action of our Chief Executive and further in view of the fact that the present commissioners have full and complete authority to make such investigation as this legislature might make it would seem inexpedient to further press this matter and I now move that the order and Senate Amendment "A" be indefinitely postponed.

The motion prevailed.

The Secretary read the resignation of Mellen Tryon as Sergeant at Arms of the Senate.

The PRESIDENT: The Chair hears with regret the resignation of the Sergeant at Arms, Mellen Tryon.

At this time the Chair announced a recess.

After Recess

The Senate was called to order by the President.

From the House, out of order and under suspension of the rules:

Joint Order Relative to Conduct of Survey of State Departments by a Joint Select Committee and the Committee on Appropriations and Financial Affairs Jointly (H. P. 1732).

In the House, read and passed.

In the Senate:

Mr. SEWALL of Sagadahoc: Mr. President, I move that the order receive passage in concurrence.

Mr. FERNALD of Waldo: Mr. President, I wish to oppose the amendment. It seems to me that we should all cooperate and especially so, as members of the Senate and members of the Legislature of the State of Maine, facing a financial and fiscal situation that the Governor of Maine has depicted in his inaugural as "grave." The original order on economy that was passed by this legislature after 11 days of delay and technicality, passed because of the popular, overwhelming demand of the people back home, the people you and I represent, the people who pay the taxes, the people who make it possible for you and me to be here.

The word "economy" is on the lips of everybody and the demand for economy is insistent, overwhelming and urgent and we must go forward with that, and only that, in mind in this session of the legislature. The question of economy is so much greater than any one of us that the future of any individual or any group or any party is overshadowed by the issue, because if we do not effect economy we cannot continue as a democratic, representative government because the bureaucracy and the departments and the employees will crush us to our very social death.

Now, what the people of Maine want is not "yes" people. They want in this legislature people who will say "no" as their representatives, whether or not it affects your interest or my interest or this county's interest or that county's interest. We have got to slash from our budget the unnecessary public expenditures. We have got to slash from our budget the frills in government, always bearing in mind,—and you have the figures right before you—you have the pitiful cases right before you—that the vision that we should have, we should look at this document on old age assistance which is before us and if we had a system of television here at our desks we could look into the homes and hearts and firesides of those who are less fortunate than we are, of the many people who are deserving and needy, that because of the financial stringency of this state are not able to be listed on this sheet. There are thousands of deserving people receiving old age assistance listed on this sheet, but there are countless more, yes, thousands more

just as deserving, just as hungry and just as needy, and it is your duty and it is our problem to provide for them, and we cannot provide for them unless we strike out from the budget the unnecessary things and I could stand here an hour and name them.

You heard a report earlier in this morning's session. That report is pointed at things that must be cut. I'd rather see some old soul back home receive a little bread of kindness from the State of Maine than have another number plate on the front of my automobile. Give that bread of kindness to those who are unable to drive an automobile, let alone own one.

It may be, in this order that none of the members of the Economy Committee drew or were advised about, it may be that we have antagonized some members because it is drastic, but the public necessity of economy demands drastic action, courageous action, militant action, non-partisan action and patriotic action.

Your Committee on Economy worked until four o'clock this morning for the purpose of submitting further economies, not \$10,000, not \$50,000, but \$100,000 in their second report, and more reports were forthcoming. Now, under this amendment the Economy Committee, so-called, is linked with the Appropriations Committee, a committee of ten, which gives them a voting power of two to one against them. Now we, as Republicans, talked a lot in the election about the Rooseveltian theory of "judge and jury." We should be ever mindful of those things we said in the campaign because a campaign pledge should mean something, and it is our duty to, as far as possible, carry out the campaign pledges of 1936. This legislature has an opportunity. The members of this legislature have an opportunity. The beginning is in cooperation. The objective is economy. As I recall my history, Daniel Webster said, "Massachusetts, there she stands." This legislature can go on record as saying, "Maine, there she stands"—the taxpayers' vacationland. And I am inclined to think it better that that be our slogan than "Vacationland" on a tin number plate on the front and back of our tin lizzies.

The economy order originally was not the order of the committee. The amendment is not fathered by

the committee but we do say, "Thank God we still in Maine live under a constitution, a constitution, according to the theory of our forefathers, built and enacted by the people, to protect the minority, and the minority will be heard." Thank you.

Mr. WILLEY of Cumberland: Mr. President, there is little that can be added to the very able, the very efficient, the very eloquent, pointed remarks of the Senator from Waldo, Senator Fernald. He has told the Senate and members interested in economy originally, that he had nothing to do with the drafting of this order and the original order which was amended by the Senator from York, Senator Wentworth. Well, if they made an error, of course they have a right to come here and amend it. I am going on record now as saying I shall vote for that amendment because any objection to the passage of that amendment is another delay. Perhaps that was the purpose for which it was introduced, although I sincerely hope that is not true. But what is the reason for the amendment? If the original order is, as contended by those who submit this proposed amendment, then I argue, where is the report on economy from the Committee on Appropriations and Financial Affairs? What have they done since the order was passed? Has the legislature received the suggestion of one dollar of economy, from that committee? What has the joint standing Committee on Economy done? They have worked tirelessly. They brought into this Senate a suggested economy of over \$225,000 in three days' work. I ask you, is this order complaining that we have not done enough or that we should have made it \$1,000,000? It is my personal feeling, and I regret it seriously, that the adoption, if this order is adopted,—and may I correct the statement which I believe I made—I shall not vote for this order, because the adoption of this order will, in my opinion, limit and restrict the operation of this committee. It seems to me almost child's play that the Committee on Appropriations and Financial Affairs which, in the last analysis must pass on all these matters, should be writing recommendations to itself. It is perfectly silly, but if they want it it is entirely up to them. Thank you.

Mr. HUSSEY of Kennebec: Mr. President, I believe, as Chairman of the Committee on Appropriations and Financial Affairs, I should state a few facts. The Appropriations Committee, as set up, is working arduously to bring before you an appropriation act, and they have been working toward economy right from the start. There has been nothing brought in by detailed facts that we are not working towards that end. But in order to get economy we must have cooperation. Cooperation has not been proposed by anyone who has spoken before, but in all lines of business, pleasure or otherwise, cooperation must go along in order to get the desired end. I know that the members of this legislature, one and all, have been and are for economy, and by the due process which this legislature exists and functions, we will do our utmost, one and all. The legislature, in the end, has the final check upon all expenditures of the state.

Mr. WILLEY: Mr. President, it is regrettable that I have to call the attention of this Senate to the last revenue measure passed by this last session, but before you pass on this amendment, viewing all the facts fairly, I would suggest that we recess for five minutes and read the first recommendation of this Economy Committee today.

Mr. SEWALL of Sagadahoc: Mr. President, I am not sure whether a motion to recess has precedence over the motion before us.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Sewall.

Mr. SEWALL: Mr. President, earlier today I heard the report of the Economy Committee read before this body and I moved that it be received by us and placed on file pending the receipt of supporting bills which were called for in the regular order. As a matter of fact, in my opinion, that report probably was out of order.

Mr. FERNALD: Mr. President, I arise for a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. FERNALD: Mr. President, I believe the Senator from Sagadahoc's motion is out of order as there is another motion before the Senate.

The PRESIDENT: The Chair will inquire what is the motion of the

Senator from Sagadahoc, Senator Sewall?

Mr. SEWALL: To concur in the action of the House, Mr. President.

The PRESIDENT: The Senator from Waldo, Senator Fernald, is out of order.

Mr. SEWALL: My reasons for believing that the order or report was out of order,—at least the conflict in my mind was that it seemed to be a minority report not concurred in by the majority. I do not know just what status that has. Two out of five said, "Here is a report". Three out of five said, "Yes, here it is, but we do not agree with it." They raised the question whether they had any right to report as a committee of five and they seemed to feel that they were acting, or should be acting as a committee of 15, and finally, as I remember that original order, it called for the submission of a report together with bills recommending remedial legislation. In other words, frankly, I felt, when I heard it, that its status was neither fish, fowl or good red herring, but I said, "Why bother about technicalities?" After all, I agree with the Senator from Waldo, Senator Fernald, that we should cooperate. We are all for economy. We don't want to seem to be putting any technical barricades to this order. Let's overlook the small technicalities. But it seems to me that there is no objection to the order as passed by the House. As a matter of fact, I will willingly admit that the order passed by the House conforms to what I thought the original order called for, but apparently the original order was not clear. Therefore, I see no objection whatsoever to clarifying it. At least, I feel I am voting for the same economy measure I voted for before. I do not know why the Senator from Waldo, Senator Fernald, and the Senator from Cumberland, Senator Willey, should object. As a matter of fact, I understand they don't. They are sitting in the committee which is the committee in a position to economize.

Possibly this committee has not yet seen fit to render its report. I imagine the reason they have not rendered it is because they feel their work is not yet done. I imagine they feel very strongly that before they recommend a reduction in any department, that department should

receive a fair and open hearing, that their side of the story should come out.

I am not particularly enamored of the idea of the egg laying contest but there are those in Maine who probably think it is a very important function, and so I believe they should receive a hearing.

Now as to the feature of the being a small minority. If they feel they are a small minority of the committee, I do not see that their objection is valid from that standpoint. Here on a committee of five they are a minority. Apparently two are in favor of the report and three are against. As the Senator from Waldo, Senator Fernald, brings out very clearly, the Constitution defines and lays out certain provisions for the protection of the minority; and these two gentlemen, if they are a minority, if they are not able to persuade the other members of the committee who are as much interested in economy as they are,—if they cannot persuade them, let them put in another minority report. It seems to be within their right.

Therefore, for these reasons and in the interests of cooperation and in the interests of true economy, this order, as passed by the House, clarifies the situation and permits us to continue on a little more orderly basis. Therefore, I favor our concurrence.

Mr. COOK of Somerset: Mr. President, I really cannot see what we are arguing about. The Senator from Waldo, Senator Fernald, has asked that we get together and cooperate. The Senator from Kennebec, Senator Hussey, has urged cooperation. I think we all want it.

So far as I can see, there isn't very much difference between the proponents of this order and those who object to it. We all want economy. I am going to say that every member of this Senate is just as sincerely interested in saving money for the State of Maine as the sponsors of the original bill. Some of us perhaps have not shouted it from the roof-tops, but we have in our committees, by our votes here in the Senate and in our ordinary legislative routine constantly worked in the interests of economical legislation.

Some of us, and I am one, believe that the normal and orderly processes of legislative procedure are

more effective than this slightly irregular, highly sensational method of investigation or survey. I believe more real work along the lines of economy can be accomplished by the normal functioning of committees, duly and regularly appointed by the President of the Senate and Speaker of the House, than by any other method. These committees, as you all know, were chosen carefully. They are made up of men and women selected because of their abilities to perform the particular work of the committees on which they serve. Many of these committees are made up of veterans in legislation, men and women who have become specialists in their particular field, and I personally think that they are able to make all the economies that are wise at this time. I think you will all agree with me that we have one of the strongest committees on Appropriations and Financial Affairs in the history of the Maine Legislature.

The Senator from Cumberland, Senator Willey, has said that no bills for economy, decreasing bills, have been proposed yet by the Committee on Appropriations. I think that is not entirely true because in this morning's session I noticed we enacted a bill, "An Act Decreasing the Subsidy Contributed by the State Relative to Physical and Industrial Education, which I believe is a saving of some \$25,000 or \$30,000. That is one item, quietly passed, without any publicity or any sensational headlines.

It happens some of our membership desire to study for themselves the financial set-up of the State. It is regrettable, of course, that the senators responsible for this order waited so long before becoming concerned with economy. If this desire to cut expenses had motivated them earlier, I am sure they could have met with the Budget Committee even before the legislature convened. It is fortunate, however, that up to the present time the appropriations bill has not been reported out, and if this order is adopted, the committee chosen will have the opportunity to go over the report with the heads of departments and to make such recommendations as they see fit, and to incorporate the recommendations in our general appropriation bill.

Although I am not in favor of this rather irregular method of at-

taking the problems of state finance, I believe under the circumstances that it would be desirable and would be of some assistance to us all to give to the people of Maine the same constructive and economical administration that we have had in the past.

Mr. TOMPKINS of Aroostook: Mr. President, I move the previous question.

The PRESIDENT: The Senator is not in order.

Mr. FERNALD: Mr. President, I would like to ask through the Chair a question, if I may, of the Senator from Sagadahoc, Senator Sewall.

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

Mr. FERNALD: Mr. President, I would like to inquire of the Senator if in 1935 he was a member of the Committee on Appropriations and Financial Affairs on the part of the House?

Mr. SEWALL: I was, Mr. President.

Mr. FERNALD: And I would like to ask, Mr. President, whether the Senator (Senator Sewall) voted for the Augusta Airport Bill appropriating \$30,000.

Mr. SEWALL: I believe I did, Mr. President.

Mr. FERNALD: And, Mr. President, in the words of the Senator from Somerset, Senator Cook, would the Senator (Senator Sewall) say that that committee was a normally functioning committee?

Mr. SEWALL: As far as I know, Mr. President. I know no one on that committee who could be considered abnormal.

Mr. FERNALD: And, Mr. President, may I ask the Senator (Senator Sewall) through the Chair when was the first occasion that he voted in favor of economy in connection with the order that is under discussion now?

Mr. SEWALL: Mr. President, may I ask for that question again? I didn't quite get it.

Mr. FERNALD: I would like to inquire, Mr. President, of the Senator from Sagadahoc (Senator Sewall) through the Chair, upon what

day he first voted for economy in connection with the order on economy that was originally introduced in the Senate on March 2nd and finally passed on March 11th as amended.

Mr. SEWALL: Mr. President, I imagine I voted on March 11th, if that is the day it went through.

Mr. FERNALD: The Senator is correct.

Mr. SEWALL: Mr. President, I believe the order was on the table in the meanwhile. Now, there is one thought I would really like to express, Mr. President, and that is that there seems to be an inference that if a bill is tabled that deals with economy, the person tabling the bill is against economy. I do not think that is correct. I do think it is the part of good legislation to put a bill on the table if one hasn't had a chance to read it, look it over and think it over and see whether it is going in the right direction, and when one is satisfied, as I was on March 12th or whatever the date was, that it was a step towards economy I voted for it, but by tabling it, that is not in opposition to economy.

Mr. WILLEY: Mr. President, I would like to ask consent to speak a third time for thirty seconds.

The PRESIDENT: The Senator from Cumberland, Senator Willey, asks the consent of the Senate to speak a third time for thirty seconds. If there is no objection, the Senator may address the Chair.

Mr. WILLEY: Mr. President, I will answer the question of the Senator from Sagadahoc, Senator Sewall, as to why I should object

to the adoption of this proposed amendment, and the answer is that the Chairman of the Committee on Appropriations and Financial Affairs has already stated in this Senate within the past week that this joint standing committee on economy would only be a hindrance in his work. Therefore it would be quite impossible to work in cooperation with a man who has that frame of mind.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Sewall, that the order received from the House this morning receive passage in concurrence.

A viva voce vote being doubted,

A division of the Senate was had.

Twenty-seven having voted in the affirmative and two opposed, the order received a passage.

Mr. BURKETT of Knox: Mr. President, out of order and under suspension of the rules I would request, and move, that Louis R. Fowler and Roy S. Humphrey be asked to resign with the understanding that they will be elected afterwards to other positions.

Mr. President, as I understand that there are other measures here to be decided upon I will defer this motion until tomorrow morning.

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

On motion by Mr. Blanchard of Franklin,

Adjourned until tomorrow morning at ten o'clock.