

# 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**

Friday, March 26, 1937.

Senate called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday, read and accepted.

**Order**

(Out of Order)

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

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, March 29th, 1937, at four o'clock in the afternoon. (S. P. 473)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

From the House:

"Petition of Elwood A. Stevens and 48 others of Dexter in Favor of (H. P. 627), "An Act in Favor of State Armories." (S. P. 458)

(In the Senate, on March 24th, referred to the Committee on Military Affairs.)

Comes from the House, read and ordered placed on file in non-concurrence.

In the Senate, under suspension of the rules, that body voted to reconsider its former action taken on March 24th whereby the petition was referred to the Committee on Military Affairs, and the petition was ordered placed on file in concurrence.

From the House:

"An Act Correcting A Clerical Error in the Apportionment of Representatives." (H. P. 1043) (L. D. 406)

(Recalled from the Engrossing Department by Joint Order.)

In the House, passage to be engrossed reconsidered, and the bill recommitted to the Committee on Judiciary in non-concurrence.

In the Senate, under suspension of the rules, that body voted to reconsider its former action whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Judiciary in concurrence.

"An Act Regulating the Labeling of Fresh Eggs for Sale" (H. P. 64) (L. D. 28)

(Recalled from the Engrossing Department by Joint Order)

In the House, passage to be engrossed reconsidered, House Amendment "C" read and adopted, and the bill as amended by House Amendments "A", "B" and "C" passed to be engrossed in non-concurrence.

In the Senate, under suspension of the rules, that body voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment "C" was read and adopted in concurrence, and the bill as amended by House Amendments "A" "B" and "C" was passed to be engrossed in concurrence.

Papers from the House disposed of in concurrence.

**House Bills in First Reading**

"An Act Regulating the Transportation of Poultry" (H. P. 1472) (L. D. 627), in new draft (H. P. 1742) (L. D. 852).

"An Act Relating to Investment of Deposits of Mutual Savings Banks" (H. P. 1485) (L. D. 530), in new draft (H. P. 1743) (L. D. 853).

"An Act to Incorporate Yarmouth and Cousins Island Park and Development Company," (H. P. 1067) (L. D. 358).

(On motion by Miss Martin of Penobscot, tabled pending acceptance of the report in concurrence.)

"An Act Relating to Domestic Mutual Insurance Companies," (H. P. 1299) (L. D. 482).

"An Act Relating to the Rights of Creditors and Beneficiaries under Insurance Policies," (H. P. 1552) (L. D. 686).

"An Act Relating to the Harrison Mutual Fire Insurance Company," (H. P. 890) (L. D. 283).

"An Act Relating to the Salary of Judge of Probate of York County," (H. P. 1176) (L. D. 433).

From the House:

The majority of the Committee on Legal Affairs on bill 'An Act to Permit Sunday Moving Pictures,' (H. P. 1297) (L. D. 473) reported that the same ought to pass.

(Signed)

Goudy of Cumberland  
Martin of Penobscot  
Payson of Portland  
Cole of Kittery  
Chase of Baring  
Dow of Norway  
Paul of Portland

The minority of the same Committee on the same subject, reported that the same ought not to pass.

(Signed)

Marden of Kennebec  
Higgins of Ellsworth  
Pike of Bridgton

Comes from the House, the minority report "Ought Not to Pass", accepted.

In the Senate:

Mr. MARDEN of Kennebec: Mr. President, I would move on this measure that the minority report of the committee be accepted and inasmuch as the House of Representatives has so overwhelmingly accepted that report I do not to care to impose upon this body a debate on the matter unless those supporting the majority report care for it.

Miss MARTIN of Penobscot: Mr. President, in view of the expense of recording and printing the debate of yesterday I do not feel very much like going into a long oration on this subject but I do want to say that the committee gave this matter very serious consideration and that I personally signed the majority report because I felt that in the towns that are having Sunday movies at the present time—and we have many of them in the state—the citizens of those towns have no way of expressing disapproval. This bill carries with it the right of local option and my contention is that it would allow those towns that do not want Sunday movies to prohibit them. For that reason I would support the measure.

Mr. GOUDY of Cumberland: Mr. President, I too am a signer of the majority report "Ought to Pass" on this bill, being a member of the Legal Affairs Committee before which committee this bill was given a hearing.

Now, I personally never attended a Sunday movie in my life but I feel as though I were down here to represent and carry out the dictates and wishes of my constituents. This matter came before the Legal Affairs Committee and we reviewed the subject and discussed it and determined it with open minds. The reason that my report is in favor of the passage of the bill is because the proponents of this measure so overwhelmingly, in their evidence, in their facts, convinced me as a member of the Legal Af-

fairs Committee that the bill should pass.

One of the arguments in favor of the bill was that at Old Orchard and many other communities throughout the state they were running, every Sunday, motion pictures; that either this law as it now exists should be enforced or it should be made possible for the citizens of the towns and cities that desire to operate Sunday movies to vote on this matter. It was pointed out with great emphasis and to some extent that by opening up the moving-picture houses on Sunday it would give an opportunity to some people with idle hands, who might otherwise seek their pleasure in other directions, to go to the moving pictures and therefore it might increase the morale and lessen petty offenses, and, as I say, after hearing the arguments pro and con and after giving this matter considerable deliberation, deliberation taking many days before the report was given out, I for one will stand by my vote as a signer of the majority report of the Legal Affairs Committee.

Now, I feel that the cities and towns should have a right to express themselves on this matter as to whether or not they want to approve the Sunday movies in their towns, inasmuch as they are now being operated in many instances illegally and without any action whatever being taken by the authorities in many towns and cities in our state; and I hope that the motion of the Senator from Kennebec, Senator Marden, will not prevail, and even though the House may have adopted the minority report, I do not think for a minute that the House should be any barometer for the Maine State Senate.

Mr. SPEAR of Cumberland: Mr. President, when the vote is taken, I ask for a division.

Mr. ASHBY of Aroostook: Mr. President, I would like to have the stenographers make a special note that for the first time in eight years I agree with the lady Senator from Penobscot (Senator Martin).

Now, I only speak from observation in my home town. A couple of years ago the Paramount people who owned a theater there decided that they would run moving pictures. The church people used to hail them into court every Monday morning and that was about the best advertisement the movie peo-

ple could get because on the next Sunday night the theater would be packed to the doors. They used to pay their fine every Monday morning but it was money in their pockets because if they hadn't been haled into court they wouldn't have had so many.

It has been my observation that a law that does not have public opinion behind it isn't of much use. We found that out in the good old prohibition days, you know, and we found it out many times since then, and in those towns where moving pictures have been held illegally the activities of the theaters have been backed by public opinion.

Now, I hardly ever go to the moving pictures because I hardly ever have the price and I am not defending the majority report from my own personal selfish viewpoint but I do think that even if we should refuse to pass this measure the law would not be enforced and we have enough statutes already that are not enforceable, so I don't believe we should add another.

Mr. MARDEN of Kennebec Mr. President, I am sorry to disagree with the Senators who have spoken, in their interpretation of the demand for this measure. It was distinctly and is distinctly my recollection that the comparative demand for this measure was small. Realizing, even though it be true that the bill calls for local option, assuming that, the proponents of the measure were not in any great numbers or in any great strength, and that fact in itself, gentlemen—and may that term include the lady members of the Senate for the moment—the demand for this bill was not great and that in itself seemed to some of us to be the answer to the problem.

I am willing, however, with the permission of the Senate, to talk citizenship for a few minutes this morning. You and I know that every member in this room was reared by good parents and that a part of the training which we as youngsters received was that Sunday was different than other days. And that was true whether we spent the day playing with the dog, whether we spent it sitting on a horse-hair sofa reading *Pilgrim's Progress* or whether we spent it in church, or part of the day, in company with our parents, or whether we spent the day just sitting and thinking, or perhaps just sitting.

And when Monday morning rolled around we had clearer minds and more able bodies to tackle the work of the week after an opportunity for introspection on that one day of the seven. And I am ready to say that because of the fact that our parents so reared us and because of the fact that we grew up in that atmosphere is one of the reasons for being here as members of the State Senate with, we hope, some discrimination and ability to determine that which is inherently right and that which we will say for the moment is inherently wrong.

As members of this Senate we are here to blaze trails for your boys and mine, for your grandchildren and mine, and for your nephews and nieces, and mine, and I think we are not far afield when we contend that good citizens are not made in our public schools—with all due respect to the school system. We attempt to place that responsibility on the schools, I am willing to grant, but the good citizens who fifteen years from now, gentlemen, will occupy these seats are made in the American home and anything we do for or against the integrity of that American home we are challenging a future which already holds too many problems for youngsters to meet.

And while we cannot legislate, gentlemen, good parents, and while we cannot make children stay at home with their parents, we can keep the theater doors closed so that there will not be additional attractions to take those youngsters away from their homes, make Sunday like any other day and wipe away finally that one thing which remains between American citizenship and something else, the American home.

I hope that the motion to accept the report of the minority made by this body will be accepted.

Miss LAUGHLIN of Cumberland: Mr. President, I wish to go on record as supporting the motion of the Senator from Kennebec, Senator Marden, in favor of the minority report. I cannot say that I am impressed by the argument that contends that if a thing is being done illegally we must make it legal. If we carried that to its logical conclusion we would repeal every law that puts a penalty on every illegal action. And Maine would be a criminally free state legally but crime would go on just

the same. I think the only remedy, if a thing is being done against the law, is to see that the law is enforced and not to start on a policy of saying that if there are a sufficient number of lawbreakers we must amend the law to please them.

It seems to me that no nation can be great and that no nation ever has been great that has excluded the spiritual side of life and not given some definite recognition to it. I am not one of those who think Sunday is a sacred day in itself but I do believe that this country should recognize some day, I don't care what day, some day that represents the spiritual side of life and I don't think that we should become entirely commercialized. I am opposed to a commercialized Sunday. I believe that people may live their individual lives, on matters that interfere with nobody else and do not control the policies of the state, as their consciences dictate, but when we come to the question of commercializing Sunday it is something that affects everybody.

Now, I have lived in states where they have Sunday moving pictures and I had rather live in Maine, where they haven't yet, and I hope never will have, established them as being far more conducive to character development, than in places where they have started on the commercialized line.

There is no more reason why we should commercialize Sunday for one industry than we should for every other. I regret to say that none of my ancestors were here in time to help found and build this country but when they did come here they came to support the principles which had entered into the founding of this country and which have made it a beacon light to the world. And I would feel that in honor bound we should support those principles and not attempt to import here principles from other countries where the conditions were such that their people have flocked to this country.

And so I hope the minority report will prevail and that we may take the stand in this Senate, as the House has taken it, for some recognition of the spiritual side of life and in opposition to commercializing everything and making that the sole object. I hope that

we shall stand for those things which are character building and which are the things that have made this country the great country that it is.

Mr. BURKETT of Knox: Mr. President, my desk is full of letters and petitions which I have received from more people in my county in opposition to this measure than on any other measure that has been presented to this legislature and in due respect to them, as has already been said, I shall support the motion of the Senator from Kennebec, Senator Marden on this matter.

Mr. CHASE of Piscataquis: Mr. President, I sincerely hope that the minority report will prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Marden, that the minority report "Ought Not to Pass" be accepted on An Act to Permit Sunday Moving Pictures, and the Senator from Cumberland, Senator Spear, has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-two having voted in the affirmative and nine opposed, the motion to accept the minority report "Ought Not to Pass", in concurrence, prevailed.

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From the House:

"An Act Relating to the Rules and Regulations of State Racing Commission," (H. P. 1535) (L. D. 712).

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

In the Senate, on motion by Mr. Owen of Kennebec, tabled pending first reading.

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From the House:

House Report, "Ought not to Pass," from the Committee on Sea and Shore Fisheries on "Resolve Regulating Fishing in Flanders Bay," (H. P. 309) (L. D. 97).

(In the Senate on March 19th, the report accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was substituted for the report, and asking for a Committee of Conference, the Speaker having appointed as members of such a Committee: Mr. Noyes of Franklin, Mr. Barter of Stonington, Mr. Stilphen of Dresden.

In the Senate, that body voted to insist on its former action and concur in the proposition for a Committee of Conference, and the President appointed as members of such Committee on the part of the Senate, the Senator from Lincoln, Senator Lewis, the Senator from Sagadahoc, Senator Sewall and the Senator from York, Senator Wentworth.

The following petitions and remonstrances were received and on recommendation by the Committee on Reference of Bills were ordered placed on file:

Miss Martin of Penobscot presented "Petition of Leonard W. Neal and 16 others of Township 10, R. 3, NBPP in Favor of (S. P. 337) bill "An Act to Extend Suffrage to Voters in Unorganized Territory." (S. P. 461)

Mr. Friend of Somerset presented "Petition of Edward C. Bean and 10 others of Holeb in Favor of (S. P. 337) bill "An Act to Extend Suffrage to Qualified Voters in Unorganized Territory." (S. P. 462)

Mr. Corrigan of Washington presented "Remonstrance of Sara H. Kane of Eastport Against (L. D. 473) "An Act to Legalize Sunday Motion Pictures." (S. P. 463)

Sent down for concurrence.

### First Reading of Printed Bills

Bill "An Act Relating to Group Insurance." (S. P. 459) (L. D. 856)

Which bill was read once, and Monday next assigned for second reading.

### Reports of Committees

Mr. Worthen from the Committee on Inland Fisheries and Game on bill "An Act Relating to Open Season on Fur-bearing Animals," (S. P. 232) reported that the same ought not to pass, as the matter is covered by other legislation.

Mr. MacKinnon from the same Committee on bill "An Act Relating to Bounty on Porcupines and Hedgehogs," (S. P. 172) (L. D. 260) reported that the same ought not to pass.

(On motion by Mr. Hussey of Kennebec, tabled pending acceptance of the report.)

Mr. Willey from the Committee on Judiciary on bill "An Act to Make Uniform the Law on Fresh Pursuit and Authorizing this State to Cooperate with other States

Therein," (S. P. 334) (L. D. 595), reported that the same ought not to pass.

Miss Laughlin from the same Committee on bill "An Act to Abolish the Jury Commissioners," (S. P. 392) (L. D. 734) reported that the same ought not to pass.

(On motion by Mr. Spear of Cumberland, tabled pending acceptance of the report.)

The same Senator from the same Committee on bill "An Act Relating to the Registration and Operation of Motor Vehicles by Non-residents," (S. P. 236) (L. D. 381) reported that the same ought not to pass.

(On motion by Mr. Osgood of Oxford, tabled pending acceptance of the report.)

Mr. Fernald from the same Committee on bill "An Act to Establish an Unpaid Commission on Interstate Cooperation to Facilitate the Cooperation of this State with Other Units of Government," (S. P. 264) (L. D. 448) reported that the same ought not to pass.

Mr. Tompkins from the Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'Mount Desert History,'" (S. P. 51) reported that the same ought not to pass.

Mr. Marden from the same Committee on "Resolve for the Purchase of one Hundred Copies of 'A Bibliography of the State of Maine, 1892 to 1933,'" (S. P. 33) reported that the same ought not to pass.

Mr. Cook from the same Committee on "Resolve for the Purchase of One Hundred Copies of 'A History of Banking in Maine, 1799-1930,'" (S. P. 32) reported that the same ought not to pass.

Which reports were read and accepted and sent down for concurrence.

Mr. Lewis from the Committee on Sea and Shore Fisheries on "Resolve Relating to Close Time in Gouldsboro, Eden, Trenton, Hancock, Sullivan, and Sorrento," (S. P. 367) (L. D. 621) reported that the same ought not to pass as it is taken care of by (H. P. 1315) (L. D. 462).

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

Mr. Osgood from the Committee on Agriculture on bill "An Act Relating to State Dairymen's Conference," (S. P. 270) (L. D. 493) reported same in a new draft (S. P.

466) under the same title, and that it ought to pass.

Mr. Cook from the Committee on Inland Fisheries and Game on bill "An Act Relating to Seizure of Game," (S. P. 315) (L. D. 590) reported the same in a new draft (S. P. 467) under the same title, and that it ought to pass.

Mr. Worthen from the same Committee on bill "An Act Relative to Transportation of Fish and Game by Aeroplane," (S. P. 263) (L. D. 445) reported the same in a new draft (S. P. 468) under the same title, and that it ought to pass.

Miss Laughlin from the Committee on Judiciary on bill "An Act Relating to Enforcement of Tax Liens," (S. P. 245) (L. D. 385) reported the same in a new draft (S. P. 469) under the same title, and that it ought to pass.

The same Senator from the same Committee on bill "An Act Relating to the Bath Municipal Court," (S. P. 246) (L. D. 386) reported the same in a new draft (S. P. 470) under the same title, and that it ought to pass.

Mr. Marden from the Committee on Legal Affairs on bill "An Act to Provide for the Appointment of a Board of Commissioners of Police for the City of August," (S. P. 250) (L. D. 393) reported the same in a new draft (S. P. 471) under the same title, and that it ought to pass.

Mr. Goudy from the Committee on Legal Affairs on bill "An Act Relating to Municipal Ordinances," (S. P. 67) (L. D. 46) reported the same in a new draft (S. P. 472) under the same title, and that it ought to pass.

Which reports were read and accepted, and the bills laid upon the table for printing under the joint rules.

Mr. MacKinnon from the Committee on Inland Fisheries and Game on bill "An Act Relating to the Establishing of a Game Preserve and Bird Sanctuary," (S. P. 231) (L. D. 388) reported that the same ought to pass.

Miss Laughlin from the Committee on Judiciary on bill "An Act Relating to Support of Wife and Minor Children," (S. P. 327) (L. D. 593) reported that the same ought to pass.

The same Senator from the same

Committee on bill "An Act Authorizing Corporations without Capital Stock to Qualify as Trustees in Certain Cases," (S. P. 328) (L. D. 755) reported that the same ought to pass.

Which reports were read and accepted, the bills read once, and Monday next assigned for second reading.

The majority of the Committee on Judiciary on bill "An Act Relating to Emergency Municipal Finance Board," (S. P. 179) (L. D. 254) reported that the same ought to pass.

(Signed) Laughlin of Cumberland,  
Willey of Cumberland,  
Philbrick of Cape Elizabeth,  
Bird of Rockland,  
Varney of Berwick,  
Hinckley of South Portland,  
Thorne of Madison,  
Weatherbee of Lincoln.

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Fernald of Waldo,  
McGlaulin of Portland.

Miss LAUGHLIN of Cumberland: Mr. President, I move the acceptance of the majority report and that the matter lie upon the table pending the adoption of either report.

Thereupon, the bill and accompanying reports were laid upon the table pending the motion of the Senator from Cumberland, Senator Laughlin, to accept the majority report.

#### Passed to Be Engrossed

Bill "An Act Establishing the York Game Sanctuary in the Plantation of Dallas, in the County of Franklin," (H. P. 606) (L. D. 197).

Bill "An Act Relative to Game Preserve in Androscoggin County," (H. P. 607) (L. D. 198)

Bill "An Act Relating to the Sullivan Water District," (H. P. 630) (L. D. 206)

Bill "An Act Relating to North Yarmouth Academy," (H. P. 682) (L. D. 224)

Bill "An Act Relating to the Old Town Water District," (H. P. 1114) (L. D. 323)

Bill "An Act Relating to Removal of Obstructions at Grade Crossings by Municipal Officers of County Commissioners," (H. P. 1115) (L. D. 324)



Bill "An Act Relating to Punishment for Certain Offenses." (H. P. 1436) (L. D. 555)

Bill "An Act Validating Certain Acts of the Assessor of the Plantation of Caswell." (H. P. 1670) (L. D. 802)

Bill "An Act to Extend the Charter of the Bluehill Water Company." (H. P. 1672) (L. D. 804)

Bill "An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs." (H. P. 1707) (L. D. 832)

Bill "An Act Relating to the Incorporating of Cemeteries, and the Operation of Burying Grounds, Structures, and the Disposal of Dead Human Bodies." (H. P. 1729) (L. D. 841)

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

Bill "An Act Relating to Testing Computing Weights or Measures." (H. P. 1474) (L. D. 667)

Bill "An Act to Amend the Law Relating to Industrial Banks Investments, and Loan and Building Associations." (H. P. 1480) (L. D. 527)

Bill "An Act Relating to Savings Banks Investments." (H. P. 1481) (L. D. 528)

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

Bill "An Act Relating to Hunting of Raccoons." (H. P. 1723) (L. D. 838)

(On motion by Mr. Willey of Cumberland, tabled pending second reading.)

Bill "An Act Relating to Uniforms for Deputy Sheriffs." (S. P. 454) (L. D. 849)

Bill "An Act Relative to Pensions for Members of the Police Force in the Town of Houlton." (S. P. 455) (L. D. 851)

Bill "An Act Relating to Terms and Salaries of City of Lewiston Officials." (S. P. 457) (L. D. 850)

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

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act Relative to Non-resident Licenses." (S. P. 314) (L. D. 589)

Bill "An Act Relating to Retirement of Officers." (S. P. 346) (L. D. 699)

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

Bill "An Act Relating to Wild Animals in Captivity." (H. P. 1448) (L. D. 636)

Bill "An Act Relative to Importation of Wild Birds or Animals." (H. P. 1452) (L. D. 521)

Bill "An Act Relating to the Horning of Deer." (H. P. 1494) (L. D. 549)

Bill "An Act to Provide for Aid to Dependent Children." (H. P. 1656) (L. D. 794)

Bill "An Act Imposing a Tax of One Cent per Barrel on Potatoes for Advertising and Stabilizing the Potato Industry of the State." (H. P. 1691) (L. D. 825)

#### (Emergency Measure)

Bill "An Act to Validate the Incorporation of the Town of Jonesport School District." (S. P. 460)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

#### Orders of the Day

The PRESIDENT: The Chair lays before the Senate for its further consideration, the unfinished business of yesterday, the divided report of the Committee of 15 Created under Joint Order (S. P. 430) as amended, which was directed to make a Survey with Reference to Possible Economies in Administration of the Affairs of State. The question before the Senate is on the motion of the Senator from Kennebec, Senator Hussey, that the majority report be accepted. Is the Senate ready for the question?

A viva voce vote being had, the motion prevailed and the majority report of the committee was accepted.

Sent down for 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 joint committees created under Senate Paper No. 430 as amended be and hereby are discharged from further duties.

### Order

(Out of Order)

Mr. Hussey of Kennebec, out of order and under suspension of the rules, presented the following order and moved its passage:

#### "STATE OF MAINE

"In Senate, March 25, 1937.

"WHEREAS the expenditures of the State have been substantially increased in recent years as the result of legislative enactment, and

"WHEREAS expenditures in previous administrations have created large and oppressive financial problems that have increased the burdens of the taxpayers, and

"WHEREAS it is realized that the economic condition confronting the State and its people is so serious that it must be alleviated in so far as may be possible, and it is recognized that additional time is necessary to make a sane and systematic survey of all State activities, and

"WHEREAS it is the expressed desire of this Legislature to sponsor such effective and practicable retrenchments as may be possible and not to rest with half-way measures, but to institute improvements that not only will decrease the expense of state government, but also will result in improved public service and efficiency

"NOW, THEREFORE, BE IT ORDERED, the House concurring, that the Governor and Council be requested to investigate, or cause to be investigated, all legislative enactments or State activities relating to the expenditure of money by the various departments of State, and that the Governor and Council forthwith put in effect such of the recommended economies as in their opinion may seem wise and expedient, and report further to the Eighty-ninth Legislature, and that the Governor be requested to communicate to the Eighty-ninth Legislature the results of such a survey, together with such recommendations as he may deem proper regarding the financial affairs of the State. All essential and necessary expenses pertaining to such investigation shall be paid by the Governor and Council out of the State Contingent Fund."

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

Mr. FERNALD of Waldo: Mr. President, just one or two things I would like to point out about this order. First that it is a request to the Governor and Council asking them to act on the problem of economy. Of course, that is presumptuous on our part because we know that when they were elected to office and when they took their oath of office as Governor and councillors we knew they stood for economy and it is just a repetition of their oath of office when we ask them to stand for economy. The part about it I do not like is that it places no responsibility, no definite duty upon anybody to do anything. Now, a question as vital as the question of economy, striking to the very vitals of our government, if we are to seriously consider the problem, should place upon someone, somewhere, some definite thing to do.

Now, the second point about the thing and the final point about the thing I do not like is that it refers it to the Eighty-ninth Legislature, and if we go back into the history of previous legislatures, the Eighty-eight legislatures that have preceded us, we will find, no doubt, in most of the cases, that something one Legislature didn't want to do was referred to the next one.

Th: question of old age pensions only a few years ago was referred to the Governor and Council to find the money and then report to the Legislature. There is no need of repeating those cases. We are all experienced legislators. We have all been here. We all know the implication. We all know the set-up when you refer a matter to the next Legislature. I really and sincerely feel and know and believe that the people back home want definite, concerted, cooperative and sane action, not tomorrow, not next week, not with the Legislature that is going to be elected in 1938, but now. Action is necessary now.

And let me refer to this situation: How are we, as a party, going to face the issues of the next campaign by saying that the problems that we were confronted with to-day; or when we are talking in 1938, by saying that the problems we were confronted with in 1937 were referred to the legislature in 1939? When we realize the whole matter could be impartially, without any glory to anyone in this

state, without any petty jealousy, the whole thing could be carried on by the same people who carried on the survey in 1930 for the small sum of \$15,000, when we realize that thousands upon thousands of dollars might be saved, yes, even a million. And the people of Maine are at least entitled to an inventory on what is going on.

I do not want to press the question. I think you all appreciate my position on it. I just wanted to point out two weaknesses, that it is a request, not placing any responsibility or duty upon anyone; and secondly, that the reference to the Eighty-ninth legislature is unfair to the people and unfair to the party and is an inherent weakness in the proposition.

Mr. WILLEY: Mr. President, I listened attentively to the reading of the order. I assisted slightly in the drafting of the order. I am afraid the Senator from Waldo, Senator Fernald didn't listen to the reading of the order carefully. The reading of the order, as I recall it, provides that the committee recommended that the Governor and Council make a survey, themselves, or have it made by such other means as they might see fit, which gives them an opportunity and the authority to go ahead and make any independent survey that they might want to make and take whatever action they choose to take in the matter.

Secondly, it does not provide that the only thing the Governor and Council are to do is report to the Eighty-ninth legislature. I am going to ask the secretary now if he will read that part of the order which requests the Governor and Council to put into effect immediately,—as I recall the words — such of the economies as in their opinion seem wise and expedient forthwith. If I heard it right it means they have not got to wait for the Eighty-ninth legislature, but they can do it now, or as soon as they can.

The SECRETARY: (reading) "Ordered, the House concurring, that the Governor and Council be requested to investigate or cause to be investigated all legislative enactments or state activities relating to the expenditure of money by the various departments of state, and that the Governor and Council forthwith put in effect such of the

recommended economies as, in their opinion, may seem wise and expedient and report further to the Eighty-ninth legislature."

Mr. WILLEY: Now, Mr. President, continuing: I have every confidence that when the two years have rolled by, the record of the Republican Party will be such that we won't have to worry about what happens to us. I certainly urge the adoption of this order.

Mr. FERNALD: Mr. President, it is the first time that I have heard the order read and it is of some considerable consequence, and if there is not any objection, I would like to have the whole order read again.

Thereupon, the Secretary again read the order.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Hussey, that the joint order receive passage, and the Senator from Cumberland, Senator Willey has asked for a division. All those in favor of the order receiving passage will rise and stand until counted.

A division of the Senate was had.

Twenty-eight having voted in the affirmative and three opposed, the motion prevailed and the order received a passage.

Sent down for concurrence.

On motion by Mr. Ashby of Aroostook, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass in new draft" (L. D. 843) on bill entitled An Act to Establish a Game Preserve in Caswell Plantation, County of Aroostook (H. P. 1457) (L. D. 634) tabled by that Senator on March 25th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report was accepted in concurrence and the bill was given its first reading, and next Monday assigned for second reading.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, "Ought to Pass" report of the Committee on Legal Affairs on bill, An Act to Incorporate Yarmouth and Cousins Island Park Development Company (H. P. 1067) (L. D. 358), tabled by that Senator earlier in today's session pending acceptance of the report in concurrence; and on further mo-

tion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence, and the bill was next Monday assigned for second reading.

(Emergency Measure)  
(Out of Order)

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

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Temperance "Ought to Pass" on bill, An Act Relative to the Peddling of Malt Liquors (H. P. 1596) (L. D. 653), tabled by that Senator on March 23rd pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading and next Monday assigned for second reading.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Resolve in favor of Joe Carney of Ashland (H. P. 1683) tabled by that Senator on March 4th, pending reception of the resolve; and on further motion by the same Senator, unanimous consent was granted for the reception of the resolve, and the resolve was referred to the Committee on Claims, in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, An Act to Incorporate the Calais Safety Deposit Company, tabled by that Senator on March 11th pending the granting of unanimous consent for its introduction; and on further motion by the same Senator, unanimous consent was granted for the introduction of the bill, and the bill was referred to the Committee on Banks and Banking.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, An Act to Provide for the Surrender of the Town of Argyle of its Organization (H. P. 1689) (L. D. 820), tabled by that Senator on March 9th pending reception of the bill; and on further motion by the same Senator, unanimous consent was granted for the introduction of the bill, and the bill was referred to the Committee on Legal Affairs, in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, An Act Relating to the City of Hallowell (H. P. 1721), tabled by that Senator on March 16th pending unanimous consent for introduction; and on further motion by the same Senator, unanimous consent was granted for the introduction of the bill, and the bill was referred to the Committee on Public Utilities, in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, An Act to Incorporate the Southwest Harbor School District (H. P. 1741) (L. D. 848), tabled by that Senator on March 23rd pending unanimous consent for introduction; and on further motion by the same Senator, unanimous consent was granted for the introduction of the bill, and the bill was referred to the Committee on Legal Affairs, in concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, Joint Order relative to recalling from the Committee on Legal Affairs, bill, An Act Amending the City Charter of the City of Portland, (H. P. 882) (L. D. 308), tabled by that Senator on March 18th pending passage in concurrence; and on further motion by the same Senator, the joint order was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

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

On motion by Mr. Willey of Cumberland,

Adjourned, until next Monday, March 29th, at four o'clock in the afternoon.