

# 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, April 7, 1937.

Senate called to order by the President.

Prayer by the Rev. A. W. Brown of Gardiner.

Journal of yesterday, read and approved.

From the House:

"Resolve Designating a Certain Road as 'Douglass Highway,'" (S. P. 477)

Comes from the House, passage to be enacted reconsidered, passage to be engrossed reconsidered, House Amendment "A" adopted, and the bill as amended by House Amendment "A" 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 "A" was read and adopted in concurrence, and the bill was passed to be engrossed, as amended by House Amendment "A," in concurrence.

(At this point, the Senator from Androscoggin, Senator Maliar was escorted to the Chair, the President retiring.)

From the House:

The same Committee on bill "An Act Relating to the Financing of the Motor Vehicle Department of the Public Utilities Commission," (H. P. 1476) (L. D. 630) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Hussey of Kennebec, the report and the bill were laid upon the table pending acceptance of the report in concurrence.

From the House:

The Committee on Claims on "Resolve in Favor of R. Earl Haley of Rangeley," (H. P. 68) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Blanchard of Franklin, the report and the resolve were laid upon the table pending acceptance of the report in concurrence.

Papers from the House disposed of in concurrence.

House Bills and Resolves in First Reading

"Resolve in Favor of William A. Moran, of Oxbow" (H. P. 65) (L. D. 966).

"Resolve in Favor of William A. Moran of Oxbow" (H. P. 67) (L. D. 964).

"Resolve in Favor of Willis Bartlett of Stillwater" (H. P. 72) (L. D. 962).

"Resolve in Favor of Hoyt F. Parks of Clifton" (H. P. 1402) (L. D. 963).

"Resolve in Favor of Will T. Libby of Oxbow" (H. P. 574) in a new draft (H. P. 1802) (L. D. 960).

"Resolve in Favor of Fred Johnson of Mt. Chase Plantation" (H. P. 782) in a new draft (H. P. 1803) (L. D. 959).

"Resolve in Favor of Mrs. Gilbert Grant, of Columbia Falls" (H. P. 1155) in new draft (H. P. 1804) (L. D. 958).

"Resolve in Favor of J. Ralph Higgins" (H. P. 641) in new draft (H. P. 1811) (L. D. 950).

"Resolve in Favor of Olin L. Jordan of Aurora" (H. P. 346) in new draft (H. P. 1810) (L. D. 951).

"Resolve, Bonus for Henry P. Russell of South Portland" (H. P. 1248) in new draft (H. P. 1809) (L. D. 952).

"Resolve in Favor of Everett S. Knight of Limerick" (H. P. 1276) in new draft (H. P. 1808) (L. D. 953).

"Resolve in Favor of Archie Robins of Biddeford" (H. P. 1400) in new draft (H. P. 1807) (L. D. 954).

"Resolve in Favor of Eugene P. Higgins of Bar Harbor" (H. P. 427) in new draft (H. P. 1806) (L. D. 956).

"Resolve in Favor of J. S. Bryant of Searsmont" (H. P. 183) in new draft (H. P. 1805) (L. D. 957).

"Resolve in Favor of V. M. Smith of Machias" (H. P. 1240) in new draft (H. P. 1814) (L. D. 947).

"Resolve in Favor of Prince H. Thomas of Masardis" (H. P. 1) in new draft (H. P. 1813) (L. D. 948).

"Resolve in Favor of Mrs. Myrtle P. Webber of Farmington Falls" (H. P. 652) in new draft (H. P. 1812) (L. D. 949).

Resolves numbered (H. P. 610), (H. P. 865), (H. P. 1000), and (H. P. 1001) in consolidated Resolve (H. P. 1801) (L. D. 961) under new title, "Resolve Regulating Hunting and Trapping of Muskrats."

"An Act Relating to the Terms of Office of the Members of the Interstate Authority for the Portsmouth-Kittery Bridge," (H. P. 870) (L. D.

304) in new draft (H. P. 1753) (L. D. 863).

"An Act Relating to Impeachment of Witnesses" (H. P. 673) (L. D. 218) in new draft (H. P. 1815) (L. D. 946).

"An Act to Provide for the Surrender of Town of Argyle of its Organization" (H. P. 1689) (L. D. 820) in new draft (H. P. 1816) (L. D. 945).

"An Act to Incorporate Great Indian Log Driving Company" (H. P. 886) (L. D. 271) in new draft (H. P. 1817) (L. D. 969).

"An Act to Incorporate Black Stream Log Driving Company" (H. P. 887) (L. D. 272) in new draft (H. P. 1818) (L. D. 968).

"An Act to Empower Towns and Cities to Establish Pensions and Retirements for Employees" (H. P. 1544) (L. D. 682) in new draft (H. P. 1819) (L. D. 944).

"An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire" (H. P. 1565) (L. D. 642) in new draft (H. P. 1820) (L. D. 943).

"Resolve in Favor of William A. Moran of Oxbow" (H. P. 66) (L. D. 965).

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

(At this point, the President resumed the Chair, Mr. Maliar retiring amidst the applause of the Senate.)

From the House:

The Committee on Inland Fisheries and Game on bill "An Act Relative to Sale of Fish" (H. P. 1447) (L. D. 635) reported the same in a new draft (H. P. 1768) (L. D. 891) under the same title, and that it ought to pass.

Comes from the House, House Amendment "A" adopted, and subsequently bill and amendment indefinitely postponed.

In the Senate, on motion by Miss Laughlin of Cumberland, the report and the bill were laid upon the table pending consideration.)

From the House:

The majority of the Committee on Judiciary on bill "An Act Relating to Insanity as Cause of Divorce,"

(H. P. 669) (L. D. 214) reported that the same ought to pass.

(Signed) Thorne of Madison  
McGlauffin of Portland  
Weatherbee of Lincoln  
Varney of Berwick  
Hinckley of So. Portland  
Bird of Rockland

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

(Signed) Fernald of Waldo  
Laughlin of Cumberland  
Willey of Cumberland  
Philbrick of Cape  
Elizabeth

In the House, the majority report accepted, and the bill as amended by House Amendments "A" and "B" passed to be engrossed.

In the Senate, on motion by Mr. Willey of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of either report. House Amendments "A" and "B" were ordered printed.

From the House:

The Committee on Agriculture on bill "An Act Relating to Growers and Packers Contracts," (H. P. 1547) (L. D. 557) reported the same in a new draft (H. P. 1789) (L. D. 913) under the same title, and that it ought to pass.

In the House, recommitted to the Committee on Agriculture.

In the Senate, the bill was recommitted to the Committee on Agriculture in concurrence.

From the House:

The Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Relating to Signers on Referendum Petitions," (H. P. 1636) (L. D. 775) reported that the same ought not to pass.

(In Senate on March 19th, 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. Sleeper of Rockland  
Mr. Ellis of Rangeley  
Mr. Varney of Berwick

In the Senate, on motion by Miss Laughlin of Cumberland, that body voted to insist on its former action whereby the report was accepted in non-concurrence, and join with the

House in a Committee of Conference. The President appointed as members of such committee on the part of the Senate, Miss Laughlin of Cumberland, Mr. Ashby of Aroostook, and Mr. Wentworth of York.

From the House:

The majority of the same Committee on bill "An Act Relating to Settlement of Estate of Absentees," (H. P. 675) (L. D. 236) reported the same in a new draft (H. P. 1800) (L. D. 967) under the same title, and that it ought to pass.

(Signed) Laughlin of Cumberland  
Varney of Berwick  
Hinckley of South  
Portland  
Philbrick of Cape  
Elizabeth  
Weatherbee of Lincoln  
Bird of Rockland

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

(Signed) Fernald of Waldo  
Willey of Cumberland  
McGlaflin of Portland  
Thorne of Madison

Comes from the House, the majority report accepted, and the bill passed to be engrossed.

In the Senate, on motion by Miss Laughlin of Cumberland, the majority report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

From the House:

The majority of the Committee on Public Utilities on bill "An Act to Enlarge and Define the Powers of the Androscoggin and Kennebec Railway Company," (H. P. 1117) (L. D. 379) reported the same in a new draft (H. P. 1695) (L. D. 824) under the same title, and that it ought to pass as amended by Senate Amendment "A".

(Signed) Goudy of Cumberland  
Graves of Hancock  
Tabbut of Columbia Falls  
Parsons of Hartford  
Packard of Houlton  
Batchelder of Parsonsfield  
Webber of Auburn  
Martin of Oakland

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

(Signed) Willey of Cumberland  
Noyes of Franklin.

Comes from the H use, the majority report accepted, the bill already having been read three times and Senate Amendment "A" adopted, was passed to be engrossed, as amended.

In the Senate, on motion by Mr. Sewall of Sagadahoc, the report and the bill were laid upon the table pending acceptance of either report.

#### First Reading of Printed Bills

Bill "An Act Relating to Indians." (S. P. 495) (L. D. 978)

(On motion by Mr. Worthen of Penobscot, the bill was laid upon the table pending second reading.)

#### Reports of Committees

Report "A" of the Committee on Judiciary on bill "An Act Providing that Employers of Four or More Persons Shall be Subject to the Unemployment Compensation Law," (S. P. 278) (L. D. 501) reported that the same ought to pass.

(Signed) Laughlin of Cumberland  
Hinckley of South Port-  
land  
Thorne of Madison  
Philbrick of Cape Eliza-  
beth  
Varney of Berwick

Report "B" of the same Committee on the same subject matter, reported that the same ought not to pass.

(Signed) Fernald of Waldo  
Willey of Cumberland  
McGlaflin of Portland  
Weatherbee of Lincoln  
Bird of Rockland

(On motion by Mr. Willey of Cumberland, the report was laid upon the table, pending acceptance of either report.)

The majority of the same Committee on bill "An Act to Provide for the Nomination of Candidates for Elective Office," (S. P. 394) (L. D. 733) reported that the same ought not to pass.

(Signed) Willey of Cumberland  
Laughlin of Cumberland  
Fernald of Waldo  
Hinckley of South Port-  
land  
Weatherbee of Lincoln  
Thorne of Madison  
McGlaflin of Portland

The minority of the same Committee on the same subject matter reported the same in a new draft (S. P. 497) under a new title, "An

Act to Provide for the Nomination of Candidates for County Offices," and that it ought to pass.

(Signed) Philbrick of Cape Elizabeth  
Varney of Berwick  
Bird of Rockland

(On motion by Miss Laughlin of Cumberland, the report was laid upon the table pending acceptance of either report, and 500 copies of the new draft ordered printed.)

The majority of the same Committee on bill "An Act Relating to Reckless Driving." (S. P. 322) (L. D. 592) reported that the same ought not to pass.

(Signed) Fernald of Waldo  
Wiley of Cumberland  
Thorne of Madison  
McGlauffin of Portland  
Philbrick of Cape Elizabeth  
Weatherbee of Lincoln  
Bird of Rockland

The minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed) Laughlin of Cumberland  
Varney of Berwick  
Hinckley of South Portland

Mr. WILLEY of Cumberland: Mr. President, I move the adoption of the majority report.

Mr. MARDEN of Kennebec: Mr. President, speaking in opposition to the motion of the Senator from Cumberland, Senator Willey, and moving to accept the minority report I would ask the members of the Senate to turn to Legislative Document 592 and with their permission I would like to discuss it for a few moments. This present measure deals with one of the offenses against our motor vehicle laws under the name of "reckless driving". The present law reads as follows: "Whoever upon a highway or in any place in which the public has a right of access operates any motor vehicle recklessly or in a manner so as to endanger person or property shall be guilty of reckless driving." Now, as perhaps all of you know, or at least some of you know, offenses against the motor vehicle laws of the state come within the jurisdiction of three of our courts; first, the trial justices; second, the municipal or police courts; third, the superior court of

Maine operating through our several counties.

Now, four years' experience as County Attorney, the mention of which you will pardon me and reference to which I make solely as a basis for this argument, shows that there is some variety of opinion among those respective courts, namely, the trial justices, the police courts, and the supreme court, as to the interpretation of the present law. Some of those courts rule that the word "recklessly" followed by the phrase "or in a manner so as to endanger person or property," defines just one offense, namely, reckless driving, and that even though an individual may have driven in a manner to endanger person or property, if there were not in his opinion a wanton disregard of the rights of others to bring it within the definition of criminal recklessness no offense has been committed. Some of the other courts hold that the word "recklessly" and the phrase "in a manner so as to endanger person or property" defines two functions so that an individual may be guilty of violating that section either if he operates recklessly within the definition of wanton disregard or, two, in a manner so as to endanger person or property. And it is for the sole purpose of clarifying this situation and making it fairly clear to John Public that this proposed change is suggested.

The change, as you will note by the measure, defines the description of the alleged offense, "A, recklessly," or "B, in a manner so as to endanger any person or property," the suggestion being that by the insertion of those letters "A" and "B" it will be made clear that two separate functions are meant and that in either event, if the court rules that only one offense is defined it will still be able to act upon alleged offenses brought before it, or any individual who rules that two crimes are described will still have that privilege.

Mr. WILLEY of Cumberland: Mr. President, the basis of the argument of those who signed the minority report and the basis of the argument as set forth by the honorable Senator from Kennebec, Senator Marden, is that the present law as found in Chapter 29, Section 86, is not clear. To those of the majority report, they voted so because in their opinion the English used

in that statute as set up by this legislature in previous years was absolutely clear and no doubt could arise among those who had even a slight degree of learning of the English language.

Now, I want to read, if I may, from Section 86 of Chapter 29: "Whoever upon any way or in any place in which the public has a right of access operates any motor vehicle recklessly" and the next word is "Or—" or in a manner so as to endanger person or property." Now, that is the bite of the whole thing. What does the word "or" mean? It means "either." That is the definition found in the dictionary. That in itself sets up two causes of action. This legislature cannot legislate intelligence, and if we could perhaps it would be well for us to stay here in session for a while. But if state officials don't know the meaning of the word "or"; if the courts don't know the meaning of the word "or"; I am sure they won't know the meaning of "A" and "B".

It seems useless and almost silly for this legislature to attempt to run a primary school for people who ought to understand the English language. The statute is clear, the statute is plain, the statute is specific, and as it is there is absolutely no need of this amendment. Originally this matter came to me from the Highway Department. I went into the matter thoroughly for them at that time. I wrote them a letter and pointed out why they didn't need it and why they would be limiting their causes of action. Another member of the committee who has been a county attorney and served an equal time as the Senator from Kennebec, Senator Marden, said that in his experience he never found any trouble in the matter. So I say that as far as attempting to clarify it, it is already clear and specific and we certainly should not clutter up our statute books. I again urge the adoption of the majority report.

Miss LAUGHLIN of Cumberland: Mr. President, there was once a man in jail who sent for his attorney and told him why he had been put there. The attorney said, "Well, they can't put you in jail for that." And the man said, "Well, I am here." And so it seems to me, that in the matter of this statute we have found from experience that

some persons who have not, perhaps, the legal learning of the Senator from Cumberland, Senator Willey, or others who signed the majority report, have interpreted this statute in their own way, that it would have to be recklessly and endangering property.

The Senator from Cumberland, Senator Willey, says that we can not legislate intelligence into persons and I agree with that and since that is true I believe we should legislate so plainly and clearly that, not being able to supply the intelligence we shall make it impossible for the unintelligent to misunderstand.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Willey, that the majority report "Ought Not to Pass" be accepted in concurrence.

A viva voce vote being had, the motion did not prevail.

Mr. MARDEN of Kennebec: Mr. President, I move the acceptance of the minority report and when the vote is taken I ask for a division.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and three opposed, the minority report was accepted.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

#### Passed to be Engrossed

"Resolve Regulating Deer Hunting on Swans Island in the County of Hancock." (H. P. 357) (L. D. 918)

"Resolve in Favor of Megunticook Lake Anglers' Club." (H. P. 463) (L. D. 919)

"Resolve in Favor of Magalloway Plantation for Building a Fish Screen on Pond Brook." (H. P. 665) (L. D. 920)

Bill "An Act to Incorporate the Berwick School District." (H. P. 1108) (L. D. 363)

Bill "An Act Relating to Temporary Permits for Motor Vehicle Contract Carriers." (H. P. 1311) (L. D. 484)

Bill "An Act Relating to Carrying Capacity of Certain Motor Vehicles." (H. P. 1420) (L. D. 572)

Bill "An Act Relating to the Length of Motor Vehicles." (H. P. 1438) (L. D. 632)

Bill "An Act Making Mortgages Insured and Debentures Issued by the Federal Housing Administrator

Eligible for Deposit Purposes." (H. P. 1482) (L. D. 529)

Bill "An Act to Permit Loan and Building Associations to Issue Prepaid Shares." (H. P. 1483) (L. D. 561)

"Resolve Relating to the Digging of Clams in Milbridge." (H. P. 1570) (L. D. 921)

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands." (H. P. 1578) (L. D. 922)

"Resolve Authorizing the Forest Commissioner to Convey Certain Property." (H. P. 1579) (L. D. 923)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to A. L. Gaudet of Rockwood." (H. P. 1580) (L. D. 924)

"Resolve Authorizing the Forest Commissioner to Convey Certain Property." (H. P. 1581) (L. D. 925)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in a Certain Lot of Land to the Van Buren Trust Company." (H. P. 1582) (L. D. 926)

Bill "An Act Relating to Snow Removal and Sanding of Highways." (H. P. 1607) (L. D. 546)

Bill "An Act to Incorporate the Southwest Harbor School District." (H. P. 1741) (L. D. 848)

"Resolve Regulating Fishing in the Various Waters of the State." (H. P. 1786) (L. D. 936)

"Resolve for Screening Certain Lakes and Ponds in the State." (H. P. 1788) (L. D. 927)

"Resolve Relating to Hunting and Fishing in Reservoirs of Water Supply, City of Belfast." (H. P. 1790) (L. D. 928)

"Resolve Relative to Fishing in Cumberland, Knox and York Counties." (H. P. 1791) (L. D. 929)

"Resolve Relating to Establishment of Feeding Station at Brownfield." (H. P. 1792) (L. D. 930)

Bill "An Act Relating to Tenure of Office of Officers." (H. P. 1793) (L. D. 916)

"Resolve for Screening the Outlet of Lower Shin Pond in Penobscot County." (H. P. 1794) (L. D. 931)

"Resolve Relating to Fishing in Walker's Pond, in Brooksville and Sargentville." (H. P. 1795) (L. D. 932)

"Resolve Opening Little Androscoggin River to Ice Fishing." (H. P. 1796) (L. D. 933)

"Resolve for Screening Certain

Waters in Hancock County." (H. P. 1797) (L. D. 934)

"Resolve in Favor of Carrie Ramsdell Fisher, of St. Albans." (H. P. 1798) (L. D. 935)

Bill "An Act Relating to the Taking of Crabs." (H. P. 1799) (L. D. 917)

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

"Resolve in Favor of the United States of America." (S. P. 312) (L. D. 588)

"Resolve Authorizing Sale of Certain Lands to Eugenia A. Powers." (S. P. 482) (L. D. 915)

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

Sent down for concurrence.

#### Passed to Be Enacted

Bill "An Act Relating to Fraternal Beneficiary Societies." (S. P. 111) (L. D. 123)

Bill "An Act Relating to the Establishment of a Game Preserve and Bird Sanctuary." (S. P. 231) (L. D. 388)

Bill "An Act Relating to Support of Wife and Minor Children." (S. P. 327) (L. D. 593)

Bill "An Act Authorizing Corporations without Capital Stock to Qualify as Trustees in Certain Cases." (S. P. 328) (L. D. 755)

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 Group Insurance." (S. P. 459) (L. D. 856)

Bill "An Act to Amend and Extend the Charter of Kennebec Reservoir Company." (S. P. 465) (L. D. 880)

Bill "An Act Relating to State Dairymen's Conference." (S. P. 466) (L. D. 883)

Bill "An Act Relating to Seizure of Game." (S. P. 467) (L. D. 882)

Bill "An Act Relative to Transportation of Fish and Game by Aeroplane." (S. P. 468) (L. D. 884)

Bill "An Act Relating to Enforcement of Tax Liens." (S. P. 469) (L. D. 885)

(On motion by Mr. Spear of Cumberland, tabled pending passage to be enacted.)

Bill "An Act Relating to the Bath Municipal Court." (S. P. 470) (L. D. 887)

Bill "An Act to Provide for the Appointment of a Board of Com-



missioners of Police for the City of Augusta." (S. P. 471) (L. D. 886)

Bill "An Act Relating to Municipal Ordinances." (S. P. 472) (L. D. 881)

Bill "An Act relating to Registration Fees to be Paid for Motor Vehicles Used for the Carrying of Passengers for Hire and Operating over Regular Routes." (H. P. 875) (L. D. 310)

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

(On motion by Mr. Hussey of Kennebec, tabled pending passage to be enacted.)

Bill "An Act Regarding Penalty for Depositing Poisons with Intent to Kill Animals." (H. P. 1548) (L. D. 683)

Bill "An Act Relating to Bounty on Seals in Hancock and Washington Counties." (H. P. 1660) (L. D. 790)

Bill "An Act Relating to Bounty on Bears." (H. P. 1767) (L. D. 893)

Bill "An Act Relating to Transportation of Game." (H. P. 1769) (L. D. 890)

#### (Emergency Measure)

Bill "An Act to Amend an Act to Revise the Health and Welfare Laws." (S. P. 484)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

#### Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Appropriations and Financial Affairs "Ought to Pass in New Draft" (same title) on bill, An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1938 and June 30, 1939, (S. P. 164) (L. D. 242), pending motion to indefinitely postpone.

Mr. HUSSEY of Kennebec: Mr. President and members of the Senate: I trust that the motion of the Senator from Waldo, Senator Fernald, will not prevail. Yesterday I had the privilege of listening with intense interest to the extended remarks by the Senator from Waldo, Senator Fernald, in regard to both the budget report and the appropriation bill which is before us this

morning. In his extended remarks he tried to show you that this appropriation bill had been set up in such figures that that amount was not necessary in order to carry on the proper functions of the various departments of state.

In attempting to refute his statements I might say that every one of us has the privilege of voicing our objections to any or all the bills before this legislature, and I think that in most cases we are sincere when we oppose legislation. Sometimes we can be mistaken in drawing our conclusions. I think in this case that certain ones might be misinformed of the various duties of state departments and just what they have to do. In order to carry on good government, state government, we must have proper officials and certain amounts of money to carry out the intent of the law in the statutes set up on our books. We have found in many cases, not only in our state departments but in our own private business and otherwise, that we can be handicapped to a great degree if we do not have proper officials and proper money, if I may so state, to carry out our desires.

It was also brought out in statements of yesterday that we must be looking ahead two years to see that we get re-elected; and that seems to have been brought out and stressed quite considerably. I do not think we come down here to pass legislation so that we can be re-elected two years from today. We come down here with the sole purpose of doing our duty to help carry on the state government, to pass just laws, and we should not be too personal in our own desires.

The Appropriations Committee to which this appropriation act was referred, consists of ten members, consists of men both in the legal and business profession, and has spent considerable time and energy in viewing the various demands of our state government, and it was not without a great deal of extensive hunt, I might say, and in going over these various budgets, cutting them in some instances, possibly increasing them in others, that we found that these departments could function and function to their best advantage with the amounts set up opposite the various state departments. This committee is wholeheartedly in favor of seeing

it is backed up by proper officials in the State House who will, to their utmost, cut such expenditures, and which in turn will be reverted into our state treasury. You all know or should know that once these amounts have been set up to the various departments, they cannot draw upon them until they show just cause why they should have them. There is a check on every expenditure.

In the remarks of yesterday it was also shown—it was also brought out that some of these departments could be cut and without explaining why they should be cut or where they should be cut, whether for personal services, commodities or what not. There was just the broad statement that we will cut them 5%. It seemed to take it hit or miss over that report, and not bringing it out in any comprehensive report.

I trust that this motion of the Senator from Waldo, Senator Fernald, will not prevail.

Mr. SPEAR of Cumberland: Mr. President, having served on the Appropriations Committee myself, in three previous sessions—not being a member of this one—I think I'd like to say a few words in defense of the committee. The committee conducts hearings day after day. They are courteous. They listen. They hear all the facts. They give plenty of time to everyone. They don't shut them off when they are half through. They do not pretend to know what is going on in every other committee.

Commodity prices are rising. Prices of services are rising. Material prices are rising. It seems to me, while everyone here would like to economize, we cannot cut the appropriations too short, having in mind that we are appropriating for two years. This report that has been brought out is unanimous. The ten members are unanimous. They have not put out in this session a divided report. During the sessions I have been in the legislature on the Committee on Appropriations they have never put out a divided report.

I hope the motion of the distinguished Senator from Waldo, Senator Fernald, will not prevail.

Mr. WILLEY of Cumberland: Mr. President, the Senator from Kennebec, Senator Hussey said that

perhaps some of the members of the legislature might be misinformed with regard to the various detailed functions of the several departments of state. At the outset, I want to say that I am not misinformed with respect to the various functions of the several departments of state, but I want to admit that I am, with the exception of one or two departments, without the necessary information to pass on these matters.

This legislature appointed a committee of fifteen to see what, if anything, could be done to immediately effect and put into operation, economies in the administration of the affairs of our state. As one member of that committee, I worked diligently and tirelessly to see what could be done and I, for one, was thoroughly convinced that no proper, wise action, could be taken with respect to putting into effect economies on the far reaching functions of our state departments without more study than this legislature had time to give to it. I am not, however, satisfied that the state should spend the amount of money that has been appropriated, but I am satisfied that that committee, working as diligently as it has, has done the best it could under the circumstances, with the information it could gather with the time it had to cover the information.

Now, Senator Hussey has pointed out that this appropriation does not mean that money is going to be forthwith turned over to the department heads of this state to be spent for such functions as they see fit. If that were so, I should stay here until next fall to fight that bill. But I know, from what investigation I have made, that our governor and our council, able as they are, can make outstanding economies in several of the bureaus which I now believe are nothing but bureaus of extravagance in the State of Maine. I am willing to trust and leave in their hands entirely the job of cutting down those extravagances and those wastes which we all know exist. And for justification for leaving it in the hands of the Governor and Council. I refer you to 1931, Senate Paper 588, Legislative Document 954, which was An Act Relating to the Administration of the State. If those of the Senate are not familiar with what happened with this

money, I want to read Section 8: "No later than June first of each year the governor shall require the head of each department and agency of the state government to submit to the department of finance a work program for the ensuing fiscal year, such program shall include all appropriations made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments with respect to appropriations by quarters for the entire fiscal year. The governor and council, with the assistance of the state budget officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if they deem it necessary, revise, alter, or change such allotments before approving the same."

I read that to you to show you that although this legislature adopts this appropriation bill, still the Governor and Council have an absolute check on the expenditure of every dollar. With that in view, and only in that view, do I hope that the motion of the Senator from Waldo, Senator Fernald, will not prevail. I have an amendment, in fact, two amendments, I want to offer to the budget bill, if his motion is defeated.

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

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that the bill be indefinitely postponed. The Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had.

One having voted in the affirmative and twenty-eight opposed, the motion to indefinitely postpone did not prevail.

Mr. HUSSEY: Mr. President, I now move the bill be given its first reading.

Mr. FERNALD: Mr. President, if in order at this time, I would like to offer an amendment.

Miss LAUGHLIN of Cumberland: Mr. President, may I ask a question for information?

The PRESIDENT: The Senator may ask the question.

Miss LAUGHLIN: Mr. President, is it within the rights of a Senator

to offer an amendment before we have any reading of the bill?

The PRESIDENT: The Chair will state that an amendment is in order at this time but it is better to offer it after the bill has been given its first reading. Will the Senator defer his amendment until the bill is given its first reading?

Mr. FERNALD: Yes, Mr. President.

Thereupon, the bill was given its first reading.

Mr. Fernald of Waldo then offered Senate Amendment "A" and moved its adoption:

"Senate Amendment A to Legislative Document 899, An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1938 and June 30, 1939. Amend said act by striking out all mention and appropriations for the Augusta State Airport."

Mr. HUSSEY: Mr. President, I trust that the motion of the Senator from Waldo, Senator Fernald, will not prevail. Without taking up too much of your time, I would like to just try to tell you what this Maine State Airport means to the State of Maine as a whole, not as an individual or as a citizen of the city of Augusta.

Two years ago the bill was introduced in the legislature to take over a certain lot of land at the top of Winthrop hill in the city of Augusta. This plot of land was situated parallel to a lot of land owned by the state and utilized for the muster of the national guard and other troops in time of peace or time of war. In past times the muster field, as we call it here, and as you all know, has been used for mobilization purposes. The land on the other side, now used as an airport, was also utilized at that time for their maneuvers, for camps. The city of Augusta owned part of the property. The majority of the property on the other side, now known as the State Airport, was owned by individuals. Augusta, like other air-minded cities was picking out landing fields to start an airport. Augusta was not backward in that. It appropriated money to buy extensive property next to their own property and parallel with the muster field. They expended approximately \$20,000 in buying up land.

They started in and built a hangar, costing about \$10,000, and

then there came a point in their expansion, due to larger planes being used and due to demands made by the air lines, that longer runways be used and set up and they had to erect them if they were to use the muster field. Permission was given them, probably orally—not written—to utilize the muster field, which they did.

As time went on, the National Guard came into encampment, and then on account of so many troops being maneuvered there, and the State having no jurisdiction on the other side, would get in touch with city officials and say, "We won't have any landing here between nine and twelve or two and four o'clock, because we want the land for the maneuvers." Under those circumstances, it became very unsatisfactory as an airport in that the flyers could be flagged up in the air and could be held up, not knowing the reason why they could not make a landing on the extended runways.

Then came further complications. Various private interests had the desire to lease certain concessions there such as the aerodrome, such as land to erect gasoline tanks, ticket offices for their air lines, etc. It became so involved that they would go to the city government and ask for a lease and the city would give them a lease or attempt to give them a lease, and then they would go to the state officials and try to get a lease on the other part, in order that their planes might use their runways if necessity arose, and as it was growing every day, the state officials found they could not always get along with the city officials with their oral leases or oral promises. Things went from bad to worse in that parties could not get together. It became the thought of certain ones, both in the state department and various city departments that the only way to smooth this out was for either the city to procure the land necessary on the other side, or the state to take the land which the city owned. Of course, the State was not in a position to sell the muster field, where mobilization is held yearly. Therefore, a resolve was put in to purchase the land and a sum of \$30,000 was asked. This amount consisted of the purchase price of additional land the city of Augusta had bought, the cost of erecting the aerodrome, but did not take into

consideration the other land the city had already owned, valued at approximately \$10,000, and also two houses which I believe they took down off the property which, of course, were worth at least four or five thousand dollars—two of them. The city sold to the state on a basis of \$5,000 a year over a period of six years, all land which they had on the top of the hill. It seemed a very satisfactory arrangement at that time and it has proven out that it was a wise thing to do.

Since that time the federal government has come in and they have expended without any direct charge—I will not say there is no indirect charge because there is, and some of us all over the country have got to help pay it—they have expended approximately \$375,000, grading, erecting an administration building, and doing all other things necessary in order to make a fine airport, and it has been considered one of the outstanding airports in New England, and it is being completed with practically all federal funds. Just yesterday I noticed in the Lewiston paper an allotment of \$35,000 set up by the federal government for a working plan up there. These allotments are coming along every month or so.

It is also the desire of those who are looking ahead, to see an air squadron established in the State of Maine. Other states have them and the State of Maine, being located as it is in the northeastern part of the United States, is one of the places the United States government is bound to utilize.

This field here is of such high altitude that it serves wonderfully in both bad and good weather. It is high land, more accessible than the majority of fields in the state of Maine.

Now, the matter of the National Guard would not necessarily cost the state any more because the personnel is paid by the federal government. They would send in possibly fifteen to twenty-five planes which would pay for the personnel just as they do now for our National Guard. The hangars are there now in which to store the planes. We have two state planes and no suitable place to house them although there is a small building, as I understand, erected by the state a number of years ago, and some

place has got to be found to house them, as well as a landing field.

As a progressive state, the state of Maine needs an airport. Also there is between \$4,000,000 and \$5,000,000 worth of government property on that airport which the state of Maine is bound to protect. Buildings have had to be built in the last few years to house this material which the government has sent in, and without a doubt this land on the other side which the state is now paying for in \$5,000 installments can be utilized for the storing of this material which the government is turning over to the state and which must be properly housed in order to keep it in first class condition.

There are many more points why this airport should be maintained by the state. It isn't necessary for me to make a personal appeal because I don't want to do that but I think if you all would look at it from the point of view that Maine is a progressive state, you will agree that we should try to keep up with other states in such things which are right and just. Thirty-six other states have state airports, so we are not an exception. The state capitol is here and why not the state airport? Government property is stored here, the majority of it. When these planes come here why shouldn't they be stored here?

I trust that the amendment offered by the Senator from Waldo, Senator Fernald, will not be adopted.

Mr. WILLEY of Cumberland: Mr. President, first I will say that I think there is every reason now in the world why the motion of the Senator from Waldo, Senator Fernald, should prevail in this matter. I can not help but admire the Senator from Kennebec, Senator Hussey, for the very able appeal he has made for the airport in Augusta, but I am sufficiently familiar with that one item in the budget to discuss it.

In the first place, I will take up his remarks concerning the government funds that have been spent on the Augusta airport and I will dispose of those by saying that regardless of the agreement that was made between the state of Maine and the city of Augusta at the last session, the airport would have proceeded just the same. In other words, it had absolutely nothing to

do with the federal government on that field. It had no more to do with the federal money being spent on that field than it did in Bangor or Waterville or Portland or than it will in Lewiston. The money as federal money is being spent in each and every one of those towns and there is no need of state ownership for any one of them and the only requirement of the government has been, and now is, that the runways are either loaned or under lease by the municipality in which the airport is being rented.

In Portland we have an airport which will be second to none either in size or length of runways or location—it is one of the finest located airports in the United States, as is your Augusta airport—and all the government required there was that the city have a lease, that the city give back a lease to the owners for a period of twenty years, so that municipal ownership of the entire airport is absolutely unnecessary.

The second most important thing is that the state should not enter upon these private enterprises which should be carried on by private industry. And if you will turn to your appropriation, if you care to, the budget for this year, you will find that a few years ago the state of Maine voted to build a state pier down in Portland. What has been the result of our state operation of that pier? The result has been that we originally spent on this state pier \$1,150,000 and that we have now reduced the indebtedness to \$690,000 and that port doesn't even pay the interest on the money.

Now, from a business standpoint the city of Portland is running the airport on a business like basis. It pays for itself. The Airways pay for their right to come in and land; the Oil companies pay for a franchise to sell oil, the operators pay for their right of operating and build their own hangars. Portland makes its airport pay, owned by private interests. The state hasn't got enough money to own an airport. So I say to you why should the taxpayers of Cumberland County, already now bearing a considerable part of the burden of expense of this state, be called upon to maintain an airport for the city of Augusta?

It is not good practice. It is a discriminatory expenditure of money and if we are going to launch

into that program as outlined by the Senator from Kennebec (Senator Hussey) and extend these airports throughout the state, then Senator Marden should have the same amount for his airport in Waterville, with relation to the population; Lewiston should have it; Portland should have it; Bangor should have theirs.

Now the airport in Augusta is there. Nothing but an act of God, an earthquake, can take it away. My inquiry from some of the members of the committee in the city led me to believe that no city official of Augusta has asked for this appropriation this year. I believe they are perfectly satisfied to have that airport owned by the municipalities.

With respect to the construction of the hangar, when Mayor Cony was Mayor of the city of Augusta I came here with private interests attempting to lease this airport here. At that time the clients I represented offered to pay the city of Augusta a thousand dollars a year provided they would build a hanger. We had several conferences at the city hall. That was just for the right to come in. In addition to that the city could have had its oil and taxi franchises and a considerable income from the airlines coming in here.

Now, is there any sound reason why the state of Maine should give gratis the services of mechanics or the hangars or a landing field for other commercial interests? I say there is none because no other airport in Maine does it today. I am interested in aviation. I fly a great deal. I have an interest in an airport myself. Now, if the state is going to give money to the city of Augusta for an airport I want some for our airport; I know that the Senators from Penobscot want some and the Senators from other parts of the state. The Senators from Kennebec have expressed their opinion, but Androscoggin county is struggling to have an airport and they are entitled to consideration.

Now with relation to the government coming in here and wanting to establish a base, as far as the government is concerned for every million you have got in this state of government funds in Augusta we have got ten times that much in the Portland airport and yet we don't ask for one dollar for our airport.

We know that it is privately owned and should be run on a business like basis, and I might call your attention to the fact that while the state has operated this in the past two years the income from the budget shows \$700. That is colossal, because the Airways' rent would be more than that, and a good active operator such as Senator Marden has in his airport who goes out and gets franchises from different concerns can make enough money to make it a paying proposition, because today aviation is only in its infancy.

As far as the muster field is concerned, they had their muster there last summer and they had to wait while the planes came in just as they did before and just as they always will have to. It will be a co-operative matter between the militia and the planes that come in. They have big horns that they sound when the plane is coming in and they step aside from the runways and the planes come in, in due and proper course, without any great interference with the militia or with the muster field.

I can't see any reason why the state should go in on this but I can see that in the past two years they have wasted an opportunity to get an active individual enterprise in there that would have developed the airport even more than it is now, and I certainly hope that the motion of the Senator from Waldo will prevail, because it is unfair, it is unjust that we in other parts of the state should have to contribute to an airport here when we can not afford one for ourselves.

Mr. HUSSEY of Kennebec: Mr. President, as long as the Senator from Cumberland, Senator Willey has brought up the question of the state pier I will say that I know it is a losing proposition but that is on account of conditions which have come down from the shipping industry and on account of the thought that they had gone on, that potatoes and things from Canada were going to be shipped down through the port of Portland. It happened that their judgment was a little off when they built it but I don't think that at that time you would have found anybody in Augusta who was opposing the state pier which at that time looked to be feasible and which on account

of changing conditions did not turn out.

I think the people from Augusta are willing to cooperate with other cities and towns in the state of Maine if they have a desirable project to complete. This act is really a necessity to the state of Maine, not to Augusta, Maine, alone. Senator Willey says that the runways have to be clear and that is on state property. That shows that it is necessary that we have those extended runways there on state property or on the regular muster field. Col. Chamberlin said yesterday in his talk that longer runways were a necessity today and half the length of these runways was on the muster field. It is necessary in Maine that we should have a straight airport.

Mr. WILLEY: Mr. President, may I ask a question of the Senator?

The PRESIDENT: The Senator may ask his question through the Chair and the Senator from Kennebec, Senator Hussey, may reply if he wishes.

Mr. WILLEY: Mr. President, I wish to say in regard to what the Senator from Kennebec, Senator Hussey said about the pier in Portland that I don't think that the people coming from Cumberland really understood and knew exactly what that pier was all about. I feel that a small minority at interest came up here and got that legislation through. It was a mistake. Every one in this Senate knows it was a mistake and a mistake that has cost the State about \$70,000 a year.

Now I don't think we should repeat that mistake by going in on this venture. And as far as the state planes are concerned, under proper business management of that airport that has a hangar all built—as I say, it is all there and nothing but an act of God will take it down—it will cost the state \$20 a month to house each of those planes and then the gas and oil would be another cost of those planes.

And secondly, I must add that I don't think any man or group of men from the city of Augusta have come before the Appropriations Committee and asked for this appropriation. My information from one member of the committee was that he didn't remember of anyone doing that and I have made inquiry and I am convinced that the city

of Augusta is perfectly willing to have this airport back, and I don't blame them any because it is a good airport. But the runways are there, they can not be made any longer to any extent, they are plenty long enough now, and I see no reason why we should continue with this improper division of discriminatory expenditure of the state's money.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "A" be adopted.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had. Five having voted in the affirmative and twenty opposed, the motion did not prevail.

Mr. Fernald of Waldo offered Senate Amendment "B" and moved its adoption: "Senate Amendment B. Amend said act by reducing the appropriation for the Department of the Adjutant General from \$130,000 each year to \$120,000 each year."

Mr. HUSSEY: Mr. President, I will attempt to tell the Senate a little about the appropriation set-up for the Adjutant General's Department. The Adjutant General's Department, you know, has charge of the National Guard of the State of Maine and has various other duties. It is in charge of the property entrusted to it by the national government, consisting of about five million dollars, and it is the duty of that department to see that this property is taken care of according to the rules and regulations set up by the War Department for the taking care and housing of National Guard outfits and various other details. They have a certain personnel and the increase was necessitated by the addition of two National Guard outfits, one from Bar Harbor, as I remember, and one from Old Town I trust I am right on those figures although I didn't know this was coming and I am not absolutely prepared to talk on it. But I am positive that there are two other National Guard outfits to be taken care of, armories to be hired for them, which is the duty of the state to do and to pay for the various incidentals which come along to keep these up.

They have a state armory in Portland and one in Bangor on which the upkeep is considerable and they wanted some extra work

done or those. One of them had a roof to be repaired which caused considerable expense. All this was brought out at the budget hearing and the whole question was gone into in considerable detail, also at the appropriations hearings, and it was felt by those committees that they should be given additional fund: in order to carry out the duties of that department. I feel that this sum should be kept as set up.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "B".

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

Four having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Mr. Fernald offered Senate Amendment "C" and moved its adoption: "Senate Amendment C. Amend said act by reducing the appropriation for the Department of Agriculture from \$224,251 each year to \$200,000 each year.

Mr. HUSSEY: Mr. President, may I ask the Senator from Waldo, Senator Fernald, through the Chair, just what functions he is cutting out when he lowers the budget recommendation or appropriation recommendation in this respect.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, asks a question, through the Chair, of the Senator from Waldo, Senator Fernald, and that Senator may answer if he so desires.

Mr. FERNALD: Mr. President, I am glad to answer any constructive question, and I think it is quite proper that we discuss the budget. I feel this, that we have in the Department of Agriculture certain frills in government that are unnecessary, unnecessary when the alternative is a sales tax or an income tax or a combination of the two, or some other mongrel of a tax measure.

Now, within a week we have passed a law here to label eggs fresh or rotten or something, we have appropriated \$6,000 and I don't believe that we should have appropriated it and if I had seen the thing when it was coming in I should have been against it, but I think that if we cut this appropriation for the Department of Agriculture this ten per cent we will find that the head of the department, Mr. Washburn, who is a very

capable executive and well-informed as to the needs of the farmers of Maine, if his budget is cut \$20,000 he will know where to cut expenses, but until you cut the budget and say, "Here, Mr. Washburn, you have got \$200,000 to run your department," he isn't going to cut it, but if you give him \$225,000 he is just the same as everybody else; he is going to spend it and he is going to do the best he can with it. But if we follow the leadership of our Governor who says the financial conditions of the State of Maine are grave and desperate and if we cut these departments they are going to run, their department; they are not going to close up but they will cut out some of the less necessary things and some of these frills, cut out the fresh egg business, marking them, at a cost of \$6,000, cut out this egg laying contest at Monmouth, cut out the inspection job which I think we have, and we have probably some inspectors of some other things, and we will probably go a little slower on this Bangs' Disease business.

And I just want to ask you here where you are going to be tomorrow morning after you get into that caucus tonight and you say, "No, we don't want an income tax and we don't want a sales tax; no, we don't want any taxes," after you have sat here and voted down every reasonable suggestion to cut the budget. Where is it going to leave you? You want to go carefully on this business, now. It is going to leave you somewhere right up on a high rock higher than the Augusta airport.

Mr. HUSSEY: Senator Fernald, I didn't ask you to make a publicity speech—

Mr. FERNALD: Mr. President, the gentleman is out of order.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, is out of order.

Mr. FERNALD (resuming): Now, Mr. President, if there are any further questions that the Senator from Kennebec (Senator Hussey) would like to have me elaborate I would be glad to give him my views on them, but I hesitate to take the time of the Senate after I attempted to go into the matter yesterday in so much detail and to exhaust the authorities and point out these things, and as I recall I took them up item by item. But I will be glad



to answer further questions at any time.

Mr. HUSSEY: Mr. President, I am afraid the Senator is misinformed here in that he is going to cut out the egg-laying contest in this, and it isn't in here. If he is counting on cutting \$6,000 out of that, he is wrong in that assumption. I would really like to know what he is going to cut. It is easy enough for any one of us to get up and say, "Cut ten per cent off or cut five per cent off here," and then we will have to come back as we did a short time ago and appropriate a deficiency bill of over \$800,000.

Whether there is mismanagement or not, we have a governor and council who will see that the money is expended properly. They will spend the money which the Appropriations Committee has asked and which has been set up, but they will not spend it unless the work sheets are approved. I know we feel in our hearts, that there is going to be more enlightenment to the State of Maine, in that our state officials are going to do their best to cut expenditures but why handicap it? Why say "cut so and so?" If you don't say where you are going to take it, but simply say you are going to take \$10,000 or \$20,000 off them, it leaves them in the air.

If you give them an appropriation you feel it is justified and then cooperate and ask them to cooperate with you,—look over their work sheets—I am sure the departments and the State will be better off in the end, because when we get that cooperation, we are bound to get somewhere. Without cooperation, we will get nowhere.

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

The PRESIDENT: The Senator from Waldo, Senator Fernald, desires to ask a question through the chair of the Senator from Kennebec, Senator Hussey. He may do so and that Senator may answer if he desires.

Mr. FERNALD: Senator Hussey has alluded several times to the work sheets and the great public function they serve, and I would like to inquire, through the Chair, how the work sheets, how they were used and how they were approved, and how successful they were in

operation last year. The work sheets of next year should be governed somewhat by the work sheets we had and the experience we had with them and with the governor and council last year. I wonder if I have made myself clear.

Mr. HUSSEY: Yes, you have, Senator Fernald. Now Senator Fernald has alluded to things that have gone on in the past, which have been contrary to law. Now, I know our state officials, our governor and council and other state department heads are going to abide by the law. Because in the past something has happened that certain things were done not according to law, why will they be continued in the future? I do not believe it is right for a senator or any legislator to question our executive and his council in that they will not live up to the law.

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

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "C" be adopted, and that Senator has asked for a division.

A division of the Senate was had. Three having voted in the affirmative and twenty-three opposed, the motion to adopt Senate Amendment "C" did not prevail.

Thereupon, Miss Laughlin of Cumberland offered Senate Amendment "D" and moved its adoption:

"Senate Amendment 'D' to Legislative Document 899, An Act to Appropriate Moneys for the Expenditure of State Government and for other Purposes for the Fiscal Years ending June 30, 1938 and June 30, 1939. Amend said bill as follows: Strike out the following on Page 6 of said bill, 'Department of Inland Fisheries and Game. Departmental operations \$120,000.00; \$120,000.00.'"

Miss LAUGHLIN: Mr. President, the purpose of this amendment is that I think the Department of Inland Fisheries and Game should be self-supporting from the fees from those who fish and hunt. No portion of the general property tax should be used for its support. Make no mistake about it, this \$120,000.00 comes from general funds and therefore, from the general property tax. We have talked a lot about relieving the general property tax payer. I am offering this amend-

ment which would relieve it to the extent of \$120,000 a year. The Fish and Game Department would not be left without funds. Do not imagine that. Turn to Page 54 of your budget and you will see, if we adopt this, the Fish and Game Department will still have \$340,000 each year which it receives from fees—for that is where it comes from.

I do not want anyone to think I am unsympathetic toward the Fish and Game Department. I have a fishing license and I am fond of fishing. I might say that I am sufficiently fond of fishing that I have caught—yes, I have caught trout in Maine, California, Colorado and Montana, and really, I think I show that I am not unsympathetic with the Fish and Game Department. However, I do not believe that the small property owner or those who pay taxes indirectly, many of whom are struggling to make both ends meet, should have any of their taxes go to maintain the department which is for the pleasure of a limited number of our population, the most of whom never hunt or fish and who, under our laws, cannot even buy any of the fish and game that the hunters and fishermen get, and therefore, they never have an opportunity to taste the fish and game we are preserving, and I do not believe any part of their taxes should go to support that department or contribute toward it. I do not want them to pay any part of my enjoyment of the preservation of the fish—I do not hunt—and I do not believe anyone else wants them to pay for it.

I think those who profit by this, those who are able to pay, should pay for their own pleasure, and not ask the general property owner to pay it out of their tax. I think when the people of this state understand the matter, they will not believe in it either. I have had occasion to speak at several meetings recently and I mentioned this matter and much to my surprise,—because I knew it was a new thing to present to them—I found great and spontaneous applause. I have mentioned it to others and the only persons I have talked with who understand about this happened to be members of this Senate. As I say, I am sure that the people have not understood this, but when they do understand that the general prop-

erty owner pays for the support of the Fish and Game Department, the objection will be so overwhelming that not even the Appropriations Committee will include it.

We say they want pools and fish hatcheries, and so on. Very well. I say it shall be paid by the fees of those who fish and hunt and that the money that comes from the general property owner should not pay for the support of that department or any one that is especially designed for and is purely for pleasure.

We are told these fishermen and hunters bring money to the State—those who come here to hunt and fish. I do not know of any great delusion we have than believing that these people leave a great trail of money here. I am quite confident that if we should sell the fish and game that they take out, we would have far more money than we have in profit that they leave in this state.

I want to make clear my position. I am not criticising the Fish and Game Department. I have no knowledge as to this administration, but my position is based on the fundamental principle that he who dances should pay the piper, and that those who profit from the preservation of fish and game should pay for it. The State has done its full share and more than its share when it passes laws to preserve this game, and limiting its use to those who pay the fees for it. As I said in the beginning, the department that exists and serves the pleasures of only a limited few, should be supported by the fees they are required to pay, and it is an imposition on the small property owner that he should take \$10,000 of the taxes he pays, to support any department that is solely for the pleasure of a few.

On motion by Miss Martin of Penobscot

Recessed until this afternoon at two o'clock.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Fernald of Waldo, the Secretary read the notices.

The PRESIDENT: The question under consideration at this time is

the motion of the Senator from Cumberland, Senator Laughlin, that Senate Amendment "D" be adopted to An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1938, and June 30, 1939. The Chair recognizes the Senator from Penobscot, Senator Worthen.

Mr. WORTHEN of Penobscot: Mr. President, and members of the Senate, as Chairman of the Committee on Inland Fisheries and Game and as an individual I feel it my duty to oppose this amendment offered by the Senator from Cumberland, Senator Laughlin. I believe you all appreciate the value of our fish and game to our state so I don't propose at this time to go into all the details. The tourist feature is in my opinion one of the greatest assets that we have in the state of Maine. There is no question but what the attractions of the fish and game play a very important part in the tourist business. Referring to the benefits that we might derive in our state through the Fish and Game Department, it has been mentioned that perhaps the only benefit derived is by sporting camps, farmers and merchants, but I would like to state here that in the state of Maine there are now 108 towns deriving from ten to ninety-eight per cent of their taxes from non-residents and some of the outstanding ones are in Cumberland County.

In regard to the appropriations that this department has had in the past few years I would like to state at this time that from the years 1926 to 1932 inclusive the appropriations asked for ran from \$180,000 to \$190,000. That means that the appropriations that the appropriation that we are asking for at this time is very much less than the appropriations that we have received in former years.

I feel that we are very fortunate in having in our state a Commissioner who is as competent and capable as Mr. Stobie. I believe he thoroughly understands the needs of his department and I feel very sure that he only asks for an amount which is absolutely necessary to operate his department efficiently.

I hope that the motion of the Senator from Cumberland, Senator Laughlin does not prevail.

Mr. SPEAR of Cumberland: Mr. President, I am for economy, and economy as I see it is derived from the wise expenditure of money.

I believe this is the one Department in the State that is gradually moving away from State Appropriations to a self-supporting Department. The record of appropriations would indicate this. Few, if any, have made any such move.

Why should Maine continue to appropriate funds for the running of this Department? First, the recreational business in the State of Maine, through a survey made by the Maine Development Commission, indicates an approximate recreational business of \$95,000,000 per year. It has been estimated that as high as 40% of this recreational business is brought to the state by fish and game. To be on the safe side, let us say only 30% is brought to Maine by fish and game. This would mean an approximate annual income of over \$28,000,000 a year.

Out-of-State people own private property in Maine which has been assessed at over \$30,000,000. What part of this is on lakes, ponds and streams in Maine it is impossible to say, but undoubtedly much of it is. Hotels and sporting camps are assessed for over \$10,000,000. Boys' and girls' Camps, which are situated almost entirely on inland waters are assessed for approximately \$7,000,000. It is demanded by the majority of the boys' and girls' camps that good fishing be provided in these waters on which the camps are located. Therefore it is easy to see that Maine must provide good fishing to keep this business. There are over 108 towns in Maine deriving from 10 to 98 percent of their taxes from non-residents. Some of the outstanding ones in Cumberland County would be Sebago which derives 64% of its taxes, Rangeley which derives 50% and Belgrade, 41%, and so on over the state. There are 35 towns known to be located in districts where much depends on the fish and game and they receive an average of 30.4 percent of their taxes from non-residents. Now, what value do they receive from the payment of these taxes? First, these people come here in the summer months. Therefore the town does not have to provide schooling for the children. Second, they only use their property half of the year or less, although they

pay taxes all the year round. Consequently they do not have to pay out as much for their roads because many of them are used only in the summer.

In towns which are not in any way connected with the summer fishing business, with the lumber industry almost out of existence in the state what is there left but hunting and fishing for the people of those sections? In other words, those who do not get direct income get it indirectly in one way or another. But look at it any way you care to, the larger percentage comes from the recreational business which is in those sections, as well as in many of the southern parts of the state, from fish and game.

The town of Rangeley, for instance, usually employs two traffic policemen in the summer months. Go there in the winter time and you see few people. That is also true of many other sections of Maine.

The Maine guides, who were formerly woodsmen in many cases, who now do guiding for a living, on their own figures as submitted have an annual income of approximately \$280,000. Trapping of fur bearing animals is hard to estimate, as one does not have to be licensed to trap on his own land. Figures vary, but it is estimated at between \$2,000,000 and \$3,000,000 per year.

It also must be remembered that there are business establishments in Maine by the hundreds which derive income from fish and game, such as the boat and canoe builders, the sporting goods stores, clothing stores, hardware stores, etc. By curtailing your fish and game activities, this will necessarily curtail the values of personal properties as well as corporation properties all over Maine. One does not have to think hard to realize that Maine should be putting more into hunting and fishing than less.

I would also like to call the attention of the Senate to the fact that Mr. Stobie, since he has been Fish and Game Commissioner has conducted his department so satisfactorily to the sportsmen that he has received \$90,000 during his administration in free contributions.

I hope that the motion of the Senator from Cumberland, Senator Laughlin, that Senate Amendment "D" be adopted, will not prevail.

Mr. ASHBY of Aroostook: Mr. President, I am a little diffident about attempting a speech because

no one has given me a speech to read, but I will do the best I can on my own ability. I think I can do it extemporaneously.

Well, I have got nothing at all against the fish and game department, but I am wondering what on earth they do with all this money. As the lady member from Cumberland, Miss Laughlin, has pointed out, they have \$340,000 or something like that, anyway. As you all know, a few years ago, Maine gave us a hunting and fishing license for twenty-five cents. They said, "We do not need the revenue—perish the thought—this is for identification". Of course the patches on our pants wouldn't identify us. I used to go fishing once in a while but that was before the city fishermen caught all the fish out of our lakes. The great State of Maine repudiated the license. If an individual did that, they would call him more or less of a—I do not know what. Well, they jacked the license up to sixty-five cents. We paid it and still went fishing. So they said, "It is not enough" and they jacked it up to \$1.00. We accepted it, of course, and so in a couple of years they contemplate jacking it up another dollar. I agree with Miss Laughlin that the department should be self-supporting. You say they want more hatcheries. If I remember right, they came up in our Fish River lakes and took, I do not know how many million eggs and traded them for cod fish eggs or bass, or I do not know what foreign fish they were. Anyway, we must have enough of them up there, and I don't see why we need more hatcheries. So far as wardens are concerned, I'd like to know where they keep them. I think if I wanted to look up a warden I would have to come to Augusta. Of course, they do have a few honorary ones, but they don't pay them anything.

I sincerely believe the lady member from Cumberland, Miss Laughlin, is perfectly right—for once. I do not believe we need this appropriation, and therefore, I hope her motion will prevail.

Mr. FERNALD: Mr. President, if it is necessary, I will move that we recess for five minutes until we can decide who is to speak next.

Mr. WILLEY of Cumberland: Mr. President, we never need a recess to speak from Cumberland County. I feel as strongly, as you

all know, about the necessity of putting economies into effect, as any member of this legislature, but as I have previously said, I do not know enough about the ramifications of many of the departments to intelligently, at this time, say where the cut should be made. Regarding Senator Ashby's statement about not being able to find wardens, I do not think he has looked for them. I have never seen him looking for wardens when he has been around Augusta. But I have found them. I have been by plane to the most remote places in the state and dropped on their cabins unbeknown to them and always found them in attendance on their duties. I do not mean that I have covered the State of Maine, but I have been from Fort Kent down through and I have done a lot of fishing and I have always found wardens,—and I believe if you look the records over you may find they may have attended to their duties too well to suit me. Perhaps they have been altogether too alert to suit my convenience some times. Nevertheless, I went to stand in defense of those wardens and of the commissioner because I feel they have done one of the most splendid jobs any department in our state has done. As for the reduction that has been sought by the amendment of the Senator from Cumberland, Senator Laughlin, I am not sufficiently versed, as I said before, to understand the ramifications of the department and to vote on it, and would prefer to leave it to the Governor and Council at this time. It may be recalled, at the last session of the legislature, we tried to do exactly, to some degree, what Senator Laughlin thinks should be done, and that is, make this department self-supporting. It should be self-supporting. The Senator is absolutely right. We had a hard fight to get the license fee up. They are higher in other states. If I want to go hunting—and thank the Lord we can hunt in New Hampshire on Sundays—I believe it costs \$15.00 for a license fee for limited hunting. For partridge and woodcock, I think it is \$5.00 but I think it should be boosted up. I think the people of Maine will see the wisdom of putting the fee up so that it can be maintained at the high standard we want without an appropriation from the general property tax.

Mr. ASHBY: Mr. President, I do not know why it is that the delegation from Cumberland County has such a hard time to understand anything they don't want to understand. What few wardens there are, I believe are doing a good job, but I do say that is a lot of money to pay the wardens who are employed—that is, when you leave out the honorary wardens. Don't think I criticize the wardens. I don't. I believe they are a very efficient class of men. But, a good deal like the excise tax on gasoline—they make a difference without a distinction—these people from Cumberland.

Mr. WENTWORTH of York: Mr. President, some mention has been made of where this money goes to. I think I can give a little breakdown on these figures. For 1937 and 1938 the appropriation asked for is \$120,000, and the expected revenue for the department's use from licenses, etc., is \$340,000 in round figures. For personal services they expect to pay out \$282,996.00, which goes mostly to wardens; for contractual services, \$38,555.00, which has to do perhaps with building fish weirs and rearing stations; for commodities, \$94,575.00, which has to do with buying fish food and things like that; current charges, \$21,876.00; and current obligations, \$12,200.00; for properties, \$9,950.00; and unexpended balance of \$456.69, which makes a total of \$460,608.69.

Mr. GOUDY of Cumberland: Mr. President, I have nothing but admiration and praise for Mr. Stobie. I think that he has done a wonderful job in his chosen business. But I do feel that ever since time immemorial, every candidate that has run for public office has run on a platform of economy. They have all said that they would not vote for any increase in any existing tax, that they stood 100% opposed to any new taxes being imposed, but since time immemorial, even in the face of those platform promises, even in the face of those platform promises, even in the face of those solemn vows, the legislature has come down here and continually increased the tax burdens of the citizens of the State of Maine. I am not so much worried as to any new taxes that will be imposed at this session, but it will be a repetition of the same thing in sessions to come. They probably will pass some kind of tax measure

at this session of the legislature, but regardless of how much money they raise, regardless of how much money is paid into the state treasury, it will be spent, and the next legislature that meets here in Augusta will be faced with the same problem of some method of increasing the tax burden on a now over-burdened taxpayer.

I have sat here all through this session, quietly and patiently, I have heard the members of this Senate who were inoculated with the economy bug of Senators Willey and Fernald, declare they were all for economy. The first words I heard about economy came from the lips of John Willey of Cumberland and from Senator Fernald of Waldo, and we all sat back in our seats and said, "We are all for economy. We are all for economy." But, regardless of that statement, the Senate sits idly by and refuses to pass any economy measure that has been presented here today or on other days.

A bill was here in the legislature to transfer the election day from September to November, thereby saving approximately \$60,000 every two years. It was voted down. One economy measure gone by the wayside. This morning there were measures introduced here, measures if put into effect would save \$336,000 every two years, and with the change in the election, it would amount to \$396,000. But the legislature has seen fit not to take heed to the economy measures that have been suggested. Therefore, they have passed by the wayside.

I have a great deal of respect for Governor Barrows and his council, and it would be a great blow and a catastrophe to the people of Maine if Governor Barrows were not returned for his second term. But it is not fair to the Governor and it is not fair to the Council to burden them with a duty which is entirely up to the legislature to take care of. It is for the legislature to pass laws effecting economies. I know the Governor and Council will do their best to have the different departments of the state function on the amount of money we appropriate.

I am telling you now, the people of Maine do not want any new taxes. I, for one, emphatically state I will not vote for any new taxes. A new tax is not necessary. The department heads of the State of Maine would not be very much

affected if, on an appropriation of \$100,000—\$200,000—or \$300,000—you pare them down \$10,000 or \$20,000. Anybody can run anything if you give him enough money to run on. We want men who are able to run along on a slightly reduced appropriation.

It seems to me that Miss Laughlin has introduced a bill here this morning, a bill that will save the State of Maine \$120,000.00, and not cut into the other departments. Will it do any harm to try it out to relieve the over-burdened taxpayer, instead of saying that we will pass no economy measures, and then put another tax on the people whether they can pay it or not and whether they like it or whether they don't.

I believe these economy measures, regardless of who they are introduced by, should be given consideration, and the members of the Senate should take their jobs seriously enough to relieve the taxpayers who are struggling under a heavy load. The end will eventually come; whether at this session or not, I do not know, but if future legislatures follow through the practice and policies of past legislatures and continue to increase the tax burden, the people are going to have something to say about it. They cannot pay any more taxes.

It seems to me Miss Laughlin's recommendation should receive favorable support. The amendments introduced by Senator Fernald should have been passed if you all stand for economy the way you have claimed that you do. It seems to me you cannot have the cake and eat it, too. You cannot continue to spend large amounts and continue to increase expenditures without raising taxes, and the people of Maine do not want any increase in taxes, and therefore, in order to eliminate that necessity, I feel we should pass some of these economy measures, and I think Miss Laughlin's measure is one that should be given consideration.

Mr. FORTIN of Androscoggin: Mr. President, it seems to me that earlier in the session an order was passed whereby a committee was appointed, I believe a committee of five and a committee of 10, representing the Committee on Appropriations. Through some disagreement on the floor of the Senate, an order was passed placing that responsibility upon the Governor and

Council to decrease, if possible, the appropriations for each department.

We were entertained somewhat by a so-called beautiful rendition of oratory—twice, I believe, and it seems to me that we are going through the original survey right here this afternoon, or we are going through the intent of that original survey. It seems to me that we took action and time to consider and pass graciously the order giving the governor and council that responsibility. I question why we should do today what we want to undo tomorrow. We all believe in economy. I do. You all do. But let's get at it in a fashion of common sense so our people will believe in us.

The intent of the sponsors of the economy bill—I know they are serious and sincere, but we cannot do it in one day. We cannot do it in a week. It would require a lot of time to consider every matter.

Speaking upon the present matter, it would seem to me unfair to the present commissioner of the fish and game department to question his sincerity. His department is the only one that shows a reduction of thousands of dollars—I believe \$20,000 per year for the past four years. It is becoming self-supporting. It is an efficient department. We have spent a lot of money advertising the State of Maine. I believe, in all fairness to our fish and game department, it has been a great advertisement to our state. I say it only in a spirit of justice and fair play.

Our Appropriations Committee has been waiting and has been delayed in rendering its report through the original request for a survey. Aren't we questioning their sincerity on their report when we again go through the same movement of resurveying this thing? Aren't we delaying legislation by such action? So in a spirit of fair play, I say we cannot do this thing on the spur of the moment. Let's consider and reflect. I hate to say it, but we would like to be given more time. As to these amendments to be offered this afternoon—the Governor and Council are given that responsibility—but many of them will, no doubt, be voted down. So I hope that the motion of the Senator from Cumberland, Senator Laughlin, does not prevail.

Miss LAUGHLIN: As I hear the

various members of the Senate say they are for economy and then see them vote against every proposition for it, I cannot help thinking of the man who said he was open to conviction, but he would just like to see the man who could convince him. That seems to be the position of all these who are for economy—they would like to see anyone convince them they should take any step for it. The senator from Androscoggin, Senator Fortin, has been referring to something offered on the spur of the moment. This can hardly claim to be offered on the spur of the moment. I think it was two months ago that I told the chairman of the Appropriations Committee that I proposed to oppose this use of property funds for the fish and game department, and at the proper time I would hope to appear before his committee, when it came up for discussion—that particular phase. I watched the hearings but never happened to see a notice of this one—probably my fault—where this matter covering fish and game was up. Certainly this isn't on the spur of the moment. Other senators I have talked with know that.

Furthermore, as I said this morning, I have spoken at a number of meetings during this session, letting the people know that the general property tax was being used for this department, and I have stated that at quite a number of meetings. I will repeat what I said this morning, that I have never made that statement when it didn't receive spontaneous and extended applause, which gave me courage to go on with it, when it happened at the very first meeting when I mentioned it. I will say again, as I said this morning, when the people of this state know the general property tax is paying for the support of this department, they will demand it be cut out, because I have had that reaction. I said I could not find anything in the statutes about it but I knew it was being so used, and so I went to the State Comptroller and asked him, and found it was in the appropriation bill, where, of course, people in general would not see it.

My distinguished colleague, Senator Spear, has talked about the taxes we receive from non-residents. I really don't see what it has to do with the general property tax going for hunting and fishing. He

says those people are here for the summer months. Well, if they come here for hunting in the summer months, they are out of luck. I do not believe the attractions of Maine depend upon hunting and fishing, but on the scenery. I am not going into how I feel it compares with other states. But they do not come here just for the hunting and fishing. The tax we receive has nothing to do with the question. They are here for other purposes. They stay during the summer months—for our climate, our scenery and for other reasons.

Now the Senator from Androscoggin, Senator Fortin, and the Senator from Cumberland, Senator Willey have mentioned leaving it to the Governor and Council. The order was to leave it to the Governor and Council to investigate and find out where economies could be effected, but it could not be reported to this legislature, but I certainly would not believe or understand that if this legislature votes \$120,000 a year from the general property tax to the support of the fish and game department, the Governor and Council would have any authority whatsoever to go against that legislation, but if they did they would put themselves in a peculiar position.

This matter is before this legislature. We have discussed other economies before this session, and we voted it would be impossible to have a report go to this legislature in time to make a list of economies which I believe could be made, and we left it to the Governor and Council for investigation and action. But here we have an opportunity to save \$120,000 and the question before this legislature is whether we are going to let the general taxpayer pay to the tune of \$120,000 a year for this special department which is, as I said, for the pleasure of the well-to-do minority, who can afford to pay to hunt and fish. There is a fundamental principle involved here, and that is the question of whether we are going to use the taxes of the little real estate owner, the person who owns very little, whether he is going to be in part the supporter of this department which, as I said, is, after all, for the pleasure of the fisher and hunter.

Do not misunderstand me. I am not unsympathetic toward the Fish and Game Department. I have a

fishing license and I expect to pay my part and I would be ashamed to look to the little taxpayer to pay any part of that which is to me a source of pleasure, and which I ought to pay.

We have talked a lot about relieving the general property tax. Here is one way to relieve it. Relieve the general property taxpayer from paying for something from which he does not receive any benefit.

As I said, all that he said about the taxes doesn't apply to this. This is a matter of using funds from the general property tax and there is one thing that I think will come out of this discussion and that is that we will begin to make the little taxpayer conscious of the fact that his taxes are being used to support a special department here which caters to the well-to-do minority and that there is the fundamental principle here that this should be made self-supporting by license fees. I remember that in the legislature two years ago when the license fee was raised that the argument everywhere was that we should raise the fee so this department wouldn't have to come to the state for aid, and I think that is the only basis to put it on, that it should be supported by the fees of those who patronize this department and that it shouldn't come from a general property tax.

Miss MARTIN of Penobscot: Mr. President, I would like to ask a question of the Senator from Cumberland, Senator Laughlin, a question through the Chair, if that is permissible.

The PRESIDENT: The Senator from Penobscot, Senator Martin, wishes to ask a question through the Chair, of the Senator from Cumberland, Senator Laughlin, which that Senator may answer through the Chair if she so desires.

Miss MARTIN: If my ears didn't deceive me this morning, Senator Laughlin, you made the statement that you had not investigated the expenditures of the department but that it was the principle you stood for.

Miss LAUGHLIN: I said that I wasn't criticizing the department because I hadn't detailed knowledge of how it was administered and I was speaking on the general principle that even though it were administered perfectly economically the principle was wrong.



I will say here what I avoided saying this morning, that since I have been considering this matter I have received a number of letters that have criticized it. I didn't mention them this morning because I was speaking on the principle that it should be self supporting instead of going into detail as to how it should be administered.

Miss MARTIN: And you haven't made a study of what might happen in the department if this curtailment went into effect?

Miss LAUGHLIN: I have studied it to this effect, that I think they should cut the coat according to the cloth and that the principle of mulcting property owners by a general property tax is absolutely wrong and therefore we should begin to cut our coat according to the cloth.

Mr. WILLEY: Mr. President, I want to correct first, if I may, what I think is an erroneous or mistaken opinion on the part of my colleague from Cumberland, Senator Laughlin, in that the Governor and Council are authorized by that order to put forthwith into effect such economies as they may in their judgment deem wise and expedient. That part of the order I inserted myself so I know that it is there, and I think you will accept my explanation of that.

Of course, my stand is such that if any member of this Senate recommends an economy that can be put into effect in the administration of the affairs of this state without impairing the operation of that department I shall vote for it notwithstanding the fact that here this morning the Senate voted to maintain an airport in Augusta, to maintain it free of charge for the city of Augusta with airplanes repaired and overhauled and with free garage space for machines. If that is what you want to do I am not voting with you on that kind of legislation but if that is what the Senate wants you can continue to vote for it.

Any economy measure that is introduced into this legislature that I feel can be put into effect without impairing a department, I shall vote for it and I think it is the duty of every member of this Senate to do likewise.

Mr. WORTHEN: Mr. President, I don't think that we should lose sight of the fact that about seventy-five years ago this was the leading

state in the Union in regard to lumber. At the present time we are out of the picture as a lumber state. Now, we have for many years been building up this department to its present high standards. We must bear in mind also that other states of the Union are fighting desperately to hold their own as tourist states. Now, if we fall down now and don't hold our own with other states it won't be many years before we are out of the picture as a tourist state.

Mr. FERNALD: Mr. President, just to get the record clear in the mind of the honorable Senator whom I will call the leader of the minority party, I tried yesterday to point out—and probably during one of the moments when the Senator was otherwise engaged—that we were discussing an executive budget and it was strictly within the theory of that discussion that the matter of the budget should come before this legislature and that no member of the legislature had to apologize to anybody for any time he or she spent in the discussion because that is strictly within our duty and strictly our responsibility, and I think we ought to do it that way and that that is the only way that we can conduct the affairs of the state in a business like manner.

Mr. FORTIN: Mr. President, I didn't want to give a false impression when I said that we can not do this thing on the spur of the moment. I meant after careful thought for a month or so.

The question I would like to ask is, would it not be false economy if this \$120,000 was taken away from the Fish and Game Department and thereby cause the dismissal of someone or the lack of work, or whatever you might want to call it, that might throw onto the state a demand for relief for three times that amount? I am just asking that question to myself. That \$120,000 must represent in that department some efficiency or some benefit to some hotel, some canoe manufacturer or some other Maine enterprise. I just wanted to leave with you that idea.

Mr. FERNALD: Mr. President, I would like to reply, without embarking on any personal discussion with the Senator from Androscoggin (Senator Fortin) that I hope the state of Maine is not employing anybody who, if they lost their job with the state, would be thrown up-

on the relief rolls because if that is the case, why now it is time we got rid of them right off, because the type of people we want to employ in the state of Maine is the very best type. We want to employ efficient people who could go out into private industry and make a living, and if we have any of the other type of people on our payroll it is time we fired them, and that is my position and it is the whole theory of this personnel bill that Senator Martin is presenting here; to get for the state of Maine the very best employees, and we want to continue that high standard, and if the Senator from Androscoggin has the name of anybody who would be on relief if they lost their state job, I think the department head should be furnished with those names and that they should be discharged forthwith.

Miss LAUGHLIN: Mr. President, if I may speak again on this question I would like to say that of course it is not proposed to make this reduction such that it will curtail the present service but so that it would prevent these extensions of service from money provided out of the general property tax. They are proposing to enlarge one hatchery and build another. I am interested in hatcheries, I like to have trout where I can get at them, although I do not get many chances in that direction, but I don't want the taxpayers to pay for it. This is a matter of preventing an extension and not a matter of discontinuing altogether or curtailing the present service.

Mr. ASHBY: Mr. President, as I remember the old Scotch minister's reply to the young man when he asked them how long a prayer should be, he said, "I notice there aren't many souls saved after the first fifteen minutes." Now, we seem to be thrashing out old history here rather than sticking to our subject and if it is in order I move the previous question before somebody else gets up.

The PRESIDENT: The motion is not in order.

Miss MARTIN: Mr. President, I am still a little confused on the question and I would like to ask the Appropriations Committee since they must have looked into this matter, how much of this would be for an increase in the service and how much for the continuation of the service as it is and if the Ap-

propriations Committee is satisfied that \$120,000 is a fairly economical figure and if you are being fair both to the department and to the state in recommending that.

Mr. HUSSEY: Mr. President and members of the Senate, I will attempt to answer that as well as I can. Two years ago, the legislature increased the licenses for both fish and game. Previous to that they were getting approximately \$225,000. We cut their budget, as I remember, from \$190,000 down to \$120,000 hoping that the increase in license fees would take up the difference and, as you all know, a referendum was taken on that and the people voted for the increased tax. But that didn't go into effect so that they got very much benefit at that time. We are getting the benefit of it now.

Now, taking that increased license fee, we have allowed them the same amount that we set up for two years ago, \$120,000. At that time we hoped that they would get that increase and they would go along to take care of all their needs. Of course, not having that fee they had to go to the contingent fund and get some money to run the department because we had cut them considerably. Now, it comes to setting up the money for the next two years in order to take care of these rearing stations. There is no doubt that these rearing stations are furnishing enough fish to stock our ponds, or will in the very near future, so that work can be curtailed. The department can in the future curtail their expenditures, but it is the same with any new industry; expenses are heavy while you are starting, and we have started in these last two years several new rearing stations. Government co-operation has been available in the form of labor, but the material for the upkeep of these has necessitated new revenue and I know that the department has done wonderfully well to get along on that \$120,000 for the last two years, plus what they received from the contingent fund.

They have had to skimp but they are now putting in new rearing stations, which is for the benefit of all those who do any fishing in the state and not entirely for the well-to-do class, as has been talked about. The little boy in the country does just as much fishing as the majority of the well-to-do, and I

should say he does more. And we are exempting him from paying any license fee up to a certain age, but in order to furnish him with better fishing we have taxed the fellow that does possibly less fishing than he does and I don't see why the property in the state can not stand part of the burden.

It is not only the fishermen who benefit by good fishing in the state of Maine, but these sporting camps also benefit and I know that in my business I derive a benefit from increased fishing facilities and I in turn, through a tax on property, feel that I am only returning part of the benefit which I have received through expenditures either from licenses or from the property tax.

The increase in licenses under the new set-up will be approximately \$60,000 or \$65,000. That is what they expected two years ago. They didn't get it on account of the delay caused by the referendum. These new rearing stations have got to be taken care of and they are going to turn out a lot of fish which are going into the ponds and streams of our state and will directly return the benefit to everybody in the state. You can not say that just the sportsmen are going to benefit by this. Everyone is going to benefit by it.

Getting back to the question before us, from which I have somewhat strayed, in order to make the fishing better, the law has got to be better enforced. It was necessary to put on new wardens. We have a wonderful department. I have yet to find anybody raising any opposition to that. Of course, we can not say that it can not be improved and by putting on more wardens for better enforcement of the law we will get a better return.

Now, the food for these fishes while they are being reared is going to take an additional expenditure. The rearing pools themselves, the same as some of our state institutions which we have recently built are going to take more overhead. We are not going to have any increases in salaries and so forth in this department. It is just for increased service. The demand is here for this increased service, not by us alone in the Senate but by the people all over the state. They want it, and when we sit here and say that so-and-so wrote us a letter and they weren't in favor of this, there are a great many people

who do not write letters yet they are heart and soul behind better fishing conditions in the state of Maine.

I hope I have answered that question as to where the extra money from the license fees go, because this is no increase over the last two years in the general appropriation and previous to that they had been cut \$70,000. I also want to state that they are working towards the end of being self supporting, and that is not a theory. They have shown it in that they have decreased that expenditure, decreased the amount they have asked from the state and from the property tax, and I know that as soon as they get these rearing stations on a sound foundation by having them fully occupied they are bound to show a less requirement in their state appropriation.

Mr. WENTWORTH of York: Mr. President, in addition to what Senator Hussey has already said I will state that in 1935 and 1936 an addition of \$120,000 for the department was received and they also received a transfer from the contingent fund of \$53,852, so that I feel it would very much jeopardize the department if they didn't get this \$120,000.

I also feel that two years ago when they were putting out the increased fishing licenses that it was to go for increased fish in our streams and rearing pools, and not to take the place of this real estate tax.

Mr. CHASE of Piscataquis: Mr. President, and members of the Senate, this matter was very thoroughly thrashed out in our committee, I being a member of the Appropriations Committee, and I am sure that we don't want to handicap the good work that is being done by our wonderful Commissioner Stobie. He is paying out a lot of money from his own pocket to carry on. In former years when these hatcheries were in operation the fish that were liberated were very small and not capable of caring for themselves. Now we have rearing stations and are growing fish to a larger size and they are capable of taking care of themselves.

I hope the amendment will not prevail.

Mr. FERNALD: Mr. President, I, for one, heartily approve of the work that Mr. Stobie is doing and if I had my way I would think that

he would be the man to take charge of the four consolidated departments that have been suggested, but just for information, as long as we are on this subject and everybody seems to be interested in it, let me give you the figures on this department so that you may see the trend. You may be interested in them. In 1911, \$72,000; 1913, \$106,000; 1915, \$85,000—I am leaving off the odd hundreds — 1917, \$105,000; 1919, \$141,000; 1922, \$183,000; 1923, \$160,000; 1924, \$166,000; 1925, \$186,000; 1926, \$219,000; 1927, \$234,000; 1928, \$265,000; 1929, \$295,000; 1930, \$363,000; 1931, \$488,000; 1932, \$470,000; 1933, \$413,000; 1934, \$391,000; 1935, \$416,000; and, in 1936, the year ending June 30, \$441,000. I submit that for whatever it is worth to the members.

Mr. SPEAR of Cumberland: Mr. President, may I ask the Senator from Waldo, Senator Fernald, through the Chair if he can tell us what percentage of that was federal money, if any?

Mr. FERNALD: I don't know as I could say that, Mr. President, but I can find it out for the Senator but the heading on this which was given me by the Budget Commissioner is, "Cash Expenditures for the State of Maine." Now, whether or not that includes any federal funds I don't know, but it would be very easy to find out.

Miss LAUGHLIN: Mr. President, I think the Chairman of the Appropriations Committee has answered that. He said he didn't give the amounts spent for new expenditures, and I think we have the answer to why this is going on. Each year it is extended for new things so that every year we will have to have just as much because as we spend more and keep on building new things we will have to have more money each year. When the vote is taken I ask for a division.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Laughlin, that Senate Amendment "D" to Legislative Document 899 be adopted and the same Senator asks for a division.

Mr. WILLEY: Mr. President, I would like to move that that amendment lie upon the table.

A viva voce vote being had, the motion to table did not prevail.

A division of the Senate was had. Eight having voted in the affirma-

tion and twenty-one opposed, Senate Amendment "D" was not adopted.

Mr. Fernald of Waldo presented Senate Amendment "E" and moved its adoption: "Senate Amendment E. Amend said act by striking out all the appropriation for the Commissioners of Uniform Legislation."

Mr. WILLEY: Mr. President, I had no idea that the Senator from Waldo, Senator Fernald, was going to present that amendment and I had one drafted that is practically the same. I want to yield to any member of this Senate who can stand up and give one reason why we should make that expenditure of money, because it has never amounted to one iota and it doesn't now. It is a useless waste of money and I would like to have any Senator who can, stand up and justify that expenditure of money.

Mr. HUSSEY: Mr. President, possibly I might enlighten the Senate on just what that amount set up there is used for. Every year a certain person is selected to cooperate or meet with other committees or boards from other states in order to get a uniform legislation of laws on the statute books which will not interfere with an adjacent state or with the national government. As to just how much good they have done in the past I will not attempt to enumerate, but I will say that the expenditure of this small amount of money could save the state of Maine a hundredfold what has been set up for that. If we could cooperate in some of our laws so that we don't stir up any feeling of aggressiveness against a neighboring state that alone would account for the amount set up. The amount has been set up, as I remember, of \$500 and in previous years they had expended \$300. The balance has been turned back into the general fund of the state. It might be that that amount has been set at \$500 because these commissions could be called more than once a year if something pertaining to legislation should be adopted as a uniform measure or if found that certain legislation passed by one state was working a hardship upon another state without any intent of the state that passed it to have it react that way.

I might say also that I don't think the state of Maine will lose by the small amount of money which is set up in this appropriation. It seems that sometimes we strike at

the little things here and we could be utilizing our time saving the state more money if we were working upon more beneficial acts. Rather than trying to break down, tear down, let us start to build up.

Mr. WILLEY: Mr. President, I would like to ask of the Senator from Kennebec, Senator Hussey, if any member of the Bench or any member of the Bar appeared before the Appropriations Committee and asked that this appropriation be made.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, may answer if he desires.

Mr. HUSSEY: No.

Mr. WILLEY: Thank you. Those who have served in this legislature before know that this appropriation is made to pay the expenses of certain lawyers to go to conventions and to come to Augusta to present uniform laws. Those who have served on the Judiciary Committee have found that repeatedly, time and time again, this legislature has refused to pass those laws with the exception of certain laws which have been proven in other states to have been of value, such as the negotiable instrument law and others along similar lines which have been adopted. As I said before, I appreciate the attempt of the Chairman of the Committee on Appropriations and Finance to justify this appropriation. But you can well see that no member of the Bench and no member of the Bar appeared for that and it isn't one iota of service to the state of Maine because the Bench and Bar know when we ought to accept uniform laws and they can bring those laws here and appear for them, and until there is some demand for this expenditure, although the sum, as he said, is small and we should spend our time on bigger matters, we should not approve it. We just made an appropriation of \$120,000, almost a quarter of a million for the biennium, so that it seems to me that this Senate is not limiting itself to little matters, but I believe that if you look out for the pennies, the dollars will look out for themselves. I think this is one place that we can trim without any doubt whatever.

Mr. FERNALD: Mr. President, I'd like to point out also that every year before the Judiciary Committee these bills on uniform practice come in, and every year this is the

report that comes out,—and I will read from the Senate Advance Journal and Calendar, the 40th legislative day, Thursday, March 25th—here are two examples—there are more and if I had time I would get them for you — “Item 1. Miss Laughlin from the Committee on Judiciary on bill, An Act Relating to the Uniform Criminal Extradition Act, S. P. 335, L. D. 587, reports that the same ought not to pass.” And then, “Item 2. The same Senator from the same Committee on bill, An Act Providing that the State of Maine May Enter into a Compact with any of the United States for Mutual Helpfulness in Relation to Persons Convicted of Crime or Offenses Who May be on Probation or Parole, S. P. 338, L. D. 601, reports that the same ought not to pass.”

If you will look back into the record of this session you will find six or seven more. We have these matters in 1937 “ought not to pass”. We had the same things in 1935 “ought not to pass”. We had the same ones in 1933, “ought not to pass”. Go ahead—you will get them in two more years. Furthermore, let me point out to you this—under the code and at the suggestion of Governor Gardiner, we created a Judicial Council which was to serve without pay, which was to carry out the functions we are paying money for, which is not needed and which does not perform any public function that is worthy of spending funds for.

Mr. HUSSEY: Mr. President, early in our session we had one or two speeches upon cooperation between states and the national government. It don't seem to me at that time anybody thought about cutting off \$200,000 set up in this budget. It seems to me they thought we ought to cooperate more. An order went through the Senate to send someone to Washington to see if we could not cooperate better with the national government. Here is something in the same trend. Back in January we were just as much in need of economy as we are now. Yet the Senate went down there and we took care of the expense. I think this question raised here doesn't justify the means we went to in January.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fer-

nald, that Senate Amendment "E" be adopted.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had. Fifteen having voted in the affirmative and ten opposed, Senate Amendment "E" was adopted.

Thereupon, Mr. Fernald of Waldo offered Senate Amendment "F" and moved its adoption:

"Senate Amendment 'F' to Legislative Document 899. Amend said act by reducing the appropriation for the department of the Executive from \$42,500 each year to \$35,000, and further provide that the pay for members of the executive council shall continue as now provided by law for the period of the regular legislative session, but in all other cases said council shall be paid the same amounts as members of the Senate and House during special sessions, as provided by Chapter 46 of the Public Laws of 1935."

Mr. WILLEY: Mr. President, could we have that amendment read again?

The Secretary read the amendment a second time.

Miss MARTIN of Penobscot: Mr. President, a parliamentary inquiry. I am under the impression that the \$20.00 a day stipend for councillors is a statutory requirement. Can we, as an amendment to the appropriation act, introduce a repealing clause to another statute?

The PRESIDENT: The question of the constitutionality is not before the Senate at this time. Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "F" be adopted.

Mr. HUSSEY: Mr. President, Senator Fernald has brought in this amendment and it has been read twice, but I think it is not very clear to all of us and I think if he would care to, I think he could elaborate on it, and I ask through the Chair, if he will give us an idea of what we will do if we cut them from \$42,500 to \$35,000 and where it would be taking it from.

Mr. FERNALD: As I gather from the budget, the \$42,500 as set up for the Executive Department, if I am correct, in that it takes care of the appropriation for the salary and expense account of the Governor's Council, and I will explain my position. If the position of the

Senator from Kennebec, Senator Hussey, is that the pay and expense of the Governor's Council doesn't come out of this item, the explanation is without value, but I assume that I am correct in this. The budget is not clear as to just what items it does contain.

Under the Baxter administration it cost about \$7,000 a year to run the Governor's Council. Since then we have adopted the code, with the result that the duties of the Governor's Council have been considerably reduced. Now, we also know that the Governor's Council is of no more value to us during the session of the legislature than it is any other time, and the provision by law now is that they be paid the same compensation as members of the legislature. So my thought is that we equalize this thing and pay the same compensation we, ourselves, get when we come back on special days. Last year it cost between \$19,000 and \$20,000 to run the governor's council, and if my preliminary remarks are correct, and we are both arguing about the same point, because we are here to discuss the budget and not get technical on technical points, that is where the saving can be made. If I am to be ruled out of court and be told this is not provided for in this item, I will, at the proper time, see that an amendment is offered to take care of it. My proposition regarding the compensation of the Governor's Council, is to equalize it to conform to the compensation of members of the legislature, and it would save \$15,000 every two years—possibly a little more.

Hr. HUSSEY: I might state it was not so much for my own information, but I was hoping the Senate might have a little more information as to what the \$42,000-plus, was comprised of and what it would be comprised of if they cut it to \$35,000.

Now, to give a brief summary of what it includes. Salary and clerk hire in the Governor's office; general office expense such as paper, typewriters, etc.; then there is the contingent fund of the Governor and Council; there is the expense of pardon hearings; payroll of the council; and the visiting committees to the various state institutions. That is what is comprised in that amount set up, which I believe is \$42,500. Now, if the Senator from Waldo, Senator Fernald, was de-

sirous of cutting that \$7,500 the next two years and he doesn't see fit to put in any legislation cutting down the salary of the councillors, I wonder where they will take it from. Will they take it from the clerks in the Governor's office, or just cut out paper and office supplies or cut out pardon hearings or what not. It is pretty hard for me, and I should think it would be for the rest of the Senate to see what he is trying to cut out. He says, let's cut this amount off—let's reduce it—cut the pay of the councillors, and he wants to do it out of the next two years' appropriation.

I believe that bringing in these amendments without supporting them with detailed advice or recommendations as to where he wants to make those cuts, and to what they should be applied, that the legislature and the Senate would hesitate and would justfully hesitate in cutting anyone until they can back up their judgment in seeing that they can be justfully cut. I do not think that the Senate should go on my recommendation at all, or the recommendation of Senator Fernald, but when a group, the Budget Committee, and when the Appropriations Committee has set up on these things and thrashed them out and put to this legislature what they deem is wise and consistent with our good government, that should be given consideration above all until they are shown that they are absolutely wrong in arriving at our figures.

Mr. FERNALD: I think we are right—we want to be definite—and I think, as I read this that it is quite definite—"and further provide that the pay for members of the executive council shall continue as now provided by law for the period of the regular legislative session, but in all other cases said council shall be paid the same amounts as members of the Senate and House during special sessions, as provided by Chapter 46 of the Public Laws of 1935." That is definite enough. If they think for a minute I do not know what this is all about—you know, we have some figures here, and I am not going to read them all—but I have them here if you want to go further into this.

The one I made my figures on was the compensation of Raymond S. Oakes, who was a member of the executive council from January 10, 1936 to January 6, 1937. As I

added it up for that period he got \$20.00 a day for 60 days. Assuming—I did not add up the expense of everybody—but assuming every member of the council charged up 60 days, 7 times 60 is 420, and multiplying 420 by 15, which is the difference between \$5.00 and \$20.00 a day, and that would be \$6,300. Now I have suggested a cut of \$7,500. That leaves \$1,200 difference. You know if you are getting \$5.00 a day you don't come around quite so often as when you are getting \$20.00, so your expense would be reduced, and that would be a pretty fair estimate right there. Don't for a moment think I just came in here and created these figures out of the atmosphere somewhere.

When the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Fernald that Senate Amendment "F" be adopted.

A division of the Senate was had.

Three having voted in the affirmative and twenty-four opposed, the motion to adopt Senate Amendment "F" did not prevail.

Mr. WILLEY: Mr. President, I would ask unanimous consent to speak for half a minute.

The PRESIDENT: The Senator may proceed.

Mr. WILLEY: I want to explain my vote in this matter. I voted against the motion of the Senator from Waldo, Senator Fernald, to adopt that amendment, and I did it because the council, working with the governor, can earn us many times that amount by cutting down some of these departments of extravagance that we have here in the State of Maine.

Thereupon Senator Fernald offered Senate Amendment "G" and moved its adoption:

"Senate Amendment 'G' to Legislative Document 899. Amend said act by reducing the appropriation for the Bureau of Accounts and Control from \$40,000 each year to \$30,000 each year."

Mr. HUSSEY: Mr. President, I understand that the Senator from Waldo, Senator Fernald, would like to cut the Accounts and Control Department \$10,000. Now, I think for the benefit of the members here, it is well to tell them that the Accounts and Control Department spent a larger amount than this,

but this \$40,000 comes from general funds. The balance of the amount they spent is derived from the various departments whose work they do.

Now, to take in and pay out and go over all the accounts and institutions and the University of Maine and their accounts—no, I will leave out the University of Maine—go over all of the state departments and institutions and draw the checks, send them out, tabulate them, keep an efficient department working, it is necessary that you have a high class of men and women.

The Department of Accounts and Control is a new department since the Gardiner administration and it has saved the State a great amount of money in the efficiency in which the work has been done. There is a great amount of detail in that department, and it is hard for anyone who is not perfectly familiar with that department, to say you can lop off 25% from its appropriation. It would be hard for anyone to say that we will cut off five or ten members in that office because they are intermingled with carrying out the work of our state highway and other separate departments which are not chargeable to our general funds. So in cutting anything from this appropriation would be including our state supervision of its accounts and control. I can see also the point that in order to maintain the efficient force which it has now, some money would have to be charged back to the highway funds, some to some other department. This has been divided as equitably as possible and the \$40,000 which should be taken from general funds is a very fair figure for running that department.

Mr. WILLEY: Mr. President, may I ask Senator Hussey a question through the chair?

The PRESIDENT: The Senator from Cumberland, Senator Willey, desires to ask a question through the chair of the Senator from Kennebec, Senator Hussey. He may do so, and that Senator may answer if he so desires.

Mr. WILLEY: You said this department had saved the state a great deal of money. Can you point out one instance where that department has saved one copper to the State of Maine?

Mr. HUSSEY: Economy has not necessarily showed itself in pennies.

It shows itself in efficiency in the work of our various departments and of our state government.

Mr. WILLEY: Thank you, Senator Hussey. A second question: Can you tell of any one of the departments that has had economies effected through this department?

Mr. HUSSEY: Would you give me that question again?

Mr. WILLEY: Can you tell of one department where economies have been effected, through this department you speak of, and if so, in what sum?

Mr. HUSSEY: The reflection would be in the checking of the various accounts by this department. Close supervision over those has saved the State a considerable amount of money. I might say that some of the outstanding committees of the legislature have noticed that accounts have been carefully gone over and allowed only on due proof that the expenditures were just, and that is what this department does. It is an actual fact that we have to have checks upon expenditures of money. This department checks train fare, mileage, etc. of the various inspectors, and hotel bills, etc. I cannot state any actual sums of money or just how much has been saved, but I think you know, Senator Willey, that they have chopped off expenses of a good many state employees.

Mr. WILLEY: Then your answer is that you do not know of any specific saving?

Mr. HUSSEY: I do not think I would mention the name of anybody they might check over and cut down on the expense account. I know they have, but I would not answer your question as to stating any names or circumstances as to who they might have made a saving on.

Mr. FERNALD: Mr. President, the thought just occurred to me, and I didn't intend to speak on this, that we have lost the point of this amendment. Now, I am trying to get a reduction of \$32,000 in the budget by cutting this \$20,000 for the two years, so you see I am conservative in the matter. Let me give you a little history on this to refresh you. You remember in the long ago we had a controversy over economy and some suggestions were made and some suggestions were turned down as radical, so we didn't do anything on that, but after all that blew off we left it



with the governor and council. Now, on March 31, 1937, according to the Advance Journal and Calendar of the Senate, at page 4, item 7, here is a report from a committee that has been overlooked, at least, by the Appropriations Committee: "The same Senator"—and that refers to Senator Willey—"The same Senator from the same Committee on Bill, An Act Relating to Reports to Towns of Excise Tax Payments (S. P. 60) (L. D. 40) reports the same in a new draft (S. P. 480)"—it has evidently been printed since, and in your report—"under the same title, and that it ought to pass."

Now, there is your economy measure right there. That was radical but it is in here and that provides for a cut of \$32,000. Now, in this amendment, I understood that that job, according to the second biennial report of the Department of Finance, I understood that that item was taken care of by the Bureau of Accounts and Controls, and last year they spent \$16,000 doing that job, according to their own figures, so instead of cutting them \$16,000 a year I was fair and cut them \$10,000 a year. I have the greatest respect for the head of the Accounting Department and for its personnel. All I was trying to do was to delete from the appropriations bill something that wasn't going to be done. There is no sense in giving them \$10,000 more when we have cut their duties down \$16,000. There may be something wrong about this but why appropriate \$10,000 extra for a department when we have cut its duties down \$16,000. Now, I may be mistaken about this.

Mr. WILLEY: Mr. President, if I may be permitted to speak again on this matter. Legislative Document 901 is the document to which the Senator from Waldo, Senator Fernald, has just referred. I believe, if my memory serves me correctly, that that bill has had its three several readings in the House and its two several readings in the Senate, and it recites this: "Public Laws of 1933, Chapter 166, repealed. Chapter 166 of the public laws of 1933 is hereby repealed." It was reported out of the Judiciary Committee unanimously, "Ought to Pass."

Now, that means just this: In 1933 a department was set up by this legislature that simply operated as an advanced arithmetic

class for the clerks of automobile excise taxes in the towns, cities and plantations of Maine. I call your attention to the fact that not one penny of this money that was collected by the clerks in the towns and cities and plantations of Maine belonged to the state of Maine. Every dollar of it belonged to the towns and cities and plantations and the villages that assessed and collected that tax. Now, in some instances the department went back and told the clerk that they had misspelled a word and in other instances that they had collected ten cents too much from this man or that man on his registration plates.

Now, let us go back so you will all understand. When you go to register your car you first pay your excise tax and you get two slips, a white one and a yellow one. The yellow one is attached to your registration application. They send that to Augusta and they spend \$16,000 a year to check the accuracy of the tax clerks. You might just as well have a supervising department in Augusta to correct your real estate assessments, your personal property assessment, your intangible assessment, or, as the Senator from Cumberland, Senator Goudy, suggests, your dog taxes. It makes no difference, it is absolutely silly, it isn't a state function and it doesn't belong there and no money should be appropriated for that kind of service. The Senator from Waldo (Senator Fernald) is absolutely right and certainly we should reduce the appropriation bill by the amount of the reduction of this bill. Perhaps the Senate can amend the bill and make it for the entire amount, which would be just and fair.

Mr. HUSSEY: Mr. President, I am sorry to disagree with these gentlemen, Senator Willey and Senator Fernald, but the \$16,000 isn't in the \$40,000 that is set up here. That \$16,000 has been taken out of the general highway fund in the past and I am in perfect agreement and I voted for that reduction in the highway expenditures when the bill came through and I think the Judiciary Committee acted very wisely in this, but I don't see what we want to bring up the \$16,000 for when it doesn't have anything to do with the \$40,000 in question. There is no question about this. I am not throwing a bluff on this. The \$16,000 isn't in there at all, and

why bother the Senate with figures that don't pertain to this \$40,000?

Mr. WILLEY: Mr. President, if I am mistaken in this and if the amendment that the Senator from Waldo, Senator Fernald, has put in would reduce the appropriation of the wrong department, you will, of course, agree that the reduction should be made in the proper department.

Mr. HUSSEY: Mr. President, for the benefit of the Senator from Cumberland, Senator Willey, I will say that I think you will find that in the general highway bill and when it comes out I think you will find that the Senator from Somerset, Senator Friend, will have taken care of that.

Mr. FERNALD: Mr. President, I want it fully understood that I am not bringing these propositions in here just haphazard. We have all agreed that we have saved \$32,000, from the original recommendations of the Economy Committee. Now, if that appropriation doesn't come out of the Bureau of Accounts and Controls my motion as it will be now is that Senate Amendment "G" be indefinitely postponed.

Thereupon, Senate Amendment "G" was indefinitely postponed.

Mr. Fernald of Waldo presented Senate Amendment "H" and moved its adoption: "Senate Amendment 'H'. Amend said bill by reducing the appropriation for the Maine State Prison from \$135,000 each to \$120,000 each year."

Mr. HUSSEY: Now, Mr. President, the question of cutting the Maine State Prison appropriation is one that the Appropriations Committee have given considerable thought. In the appropriation we had to take into consideration the amount of money which they made down there which would go to making up their budget. There have been before the legislature certain bills to cut down the amount of work or what they shall engage in at the State Prison. There has always been a certain group whether right or wrong, who have tried to keep the prisoners at the State Prison from making commodities which might interfere with some other business, yet you and I have been faced with the problem of how to keep these men at work and how to make better citizens of them.

The state officials, from the Executive down, have spent a great

amount of time in trying to work out how these prisoners could be kept at work and not interfere in the least with other state manufacturing plants. Of course, they get a sum of money, or they make a profit, on the merchandise which they make there with prison labor and this is used to go along in their appropriation. We all know that commodity prices have gone up in the last six months and it looks as though commodity prices will increase materially in the next six months. The per capita cost of the inmates has gone up. There is need for repairs, extensive repairs, on the building down there, there is no doubt in the minds of a good many.

The appropriation as set up, taking into consideration good business and in view of the increase in commodity prices—and this is a state institution — contemplates that the prisoners have to be fed and that they can not be cut down on the amount of rations. The people imprisoned there have been deprived of certain rights but when we take them in there we feel that we have a certain duty to perform in trying to get them back to civic and public life in better form than they were when they were put into that institution. This is one of the cases in which, by cutting the appropriation, you may defeat the very purpose for which that institution was set up, that of correcting some of the evils of our present day life. All the accounts of that institution are subject to inspection and if any saving can be made it does not mean that the taxpayers' money is going to be spent unnecessarily but it means that it will be saved, and if we save \$10,000 here that amount will go back into the general fund and will necessitate a less appropriation two years hence. Whatever amount we have set up there, I feel we are justified in asking the legislature to appropriate it. If savings can be made they will be made; they will not be spent.

Mr. FERNALD: Mr. President, the nub of this amendment is to decrease the appropriation for the State Prison \$15,000 a year. Now, it doesn't matter what we are going to do in the future or whether in the future we are going to save this money or whether we don't need it. The point is this: We are going into a caucus tonight and if we are going to slash \$15,000 of this budget there is \$15,000 that we

haven't got to talk about down there tonight.

Now, if the Senator says that economy is going to be carried on down there at the State Prison we should have confidence at least in our Governor and Council to the extent of realizing that they will save \$15,000 and they will save \$15,000 down there.

Now, let me give you a few figures on that. Down at the State Prison they have about 309 prisoners and 300 of them are working. Now, you take this 300 prisoners and divide up all these figures here and you will see how much it is costing to keep those prisoners down there; and it seems to me we had better take over the Eastland Hotel and put up some bars and board them down there. I think we could do it cheaper: 1924, \$582,000; 1925, \$375,000; 1926, "185,000; 1927, \$190,000; 1928, \$206,000; 1929, \$171,000; 1930, \$173,000; 1931, \$167,000; 1932, \$156,000; 1933, \$151,000; 1934, \$165,000; 1935, \$182,000; 1936, \$265,000.

Now, the fact remains that a saving can be made down there of at least \$15,000 a year and I have every reason to believe that the Governor and Council or whoever they provide to make this survey, will indicate where that money can be saved and that that saving will be made in the next two years. Now, why place upon the taxpayers of Maine a burden for the next two years if you are not going to use the money? What are you trying to do; set up a surplus or something so that the next legislature can find some new frill in government to appropriate the money for?

Now, in this session of the legislature we are appropriating the money we will need for the next two years; not something that we may need in the future. There is no question but what \$15,000 can be saved down there. Anybody will agree to that. There are plenty of ways to do it. We don't have to go into that and the Governor and Council will find ways of making that saving. That is the whole nub of the thing.

Mr. HUSSEY: I will apologize to the Senate, Mr. President, for taking up so much time but I want to bring things out as clearly as I can and I have to apologize as I am not any too clear in making a speech.

Two years ago the appropriation

was \$135,000. They had an overdraft of \$19,000 last year. Now, nobody likes an overdraft. It is the worst thing that any department in this state can have. Possibly it is a reflection upon the budget or even the Appropriations Committee in setting up that account in that they were not able to find out just what they were going to need to carry on that institution. Two years ago I was on the Appropriations Committee. We felt that \$135,000 was enough to carry on that institution and yet we found that over the past year they couldn't get along on that amount and they had to come up and ask the Governor and Council for money out of the contingent fund. Well, they come to us this year and ask for a certain amount of money. We go over their budget and try to pare it. They tell us about the increased costs, about legislatures trying to cut them out of work and they say they need so much more money and we try to be as hardboiled as possible, taking into consideration good government and to give them what they will actually need.

Now I don't think that this legislature or the Appropriations Committee, in view of the increased costs, can say that \$135,000 is too much, when a year ago they asked for \$20,000 more. We have had quite a little discussion over the management of the State Prison and it is working out, as I understand, for better cooperation, and they will have to have cooperation in order to get by on \$135,000.

We can not take it out, cut these fellows who are in prison. They are in prison for committing some wrong. Yet just because our laws say that they shall be put into the state prison, can we put them behind bars and forget them? They should be getting more attention rather than less attention, because we want to make better men of them, and we can't do that by trying to cut down on the things they need to make them better men and women in the future.

Mr. WENTWORTH: Mr. President, there is one matter that has not been brought out here today in connection with the institutional costs and that is the increased cost of food. I think all the members here know that their food costs at home are much more and the chances are, in fact I know, they

are going to be much greater in time to come.

Mr. FERNALD: Mr. President, I think it might be well to point out to the members of the Senate that there are two or three things that happened last year that increased the expense at the State Prison. It is well that we should know about this. They had a house down in Thomaston that they didn't know what to do with. The man who lived in it died and the fellow that had it didn't want to pay any more taxes on it and it wasn't of any value to him so he conceived the idea of selling it to the state because it would make a splendid residence for the Warden, and consequently after much fol-de-rol and so forth it was finally purchased for \$4,500 and \$2,000 was spent repairing. There is one item of \$6,500 that we won't need to repeat. At least, I hope we won't repeat it in the next two years because I don't think there are any more houses down there in the neighborhood of the State Prison that anybody is going to tear down rather than pay the taxes. I don't think that will occur again.

Now, another thing. We bought a lot of equipment at the State Prison to make these road signs and so forth. The people who were on the inside, whoever they were, knew that those signs weren't going to be of any value anyway in the next two or three months and so we wasted \$10,000 or \$15,000 down there, because they all had to be replaced.

Now about the increase in institutional costs may I say this, that due to the fact that a great deal of the material that is used in the State Prison is raised there. I think that cost, as far as the State Prison is concerned, will not be as great, although in some of the other institutions the increase would affect them more. But there is an opportunity down there to save some money and let's look at this thing head on. There are no personalities connected with this. The fact is that the State Prison can be run for \$15,000 a year less. Let's not go into the caucus tonight and tell them we have got to have \$125,000 if even \$120,000 will do the job, because that is going to defeat the purpose we are after, and that is to cut the tax measure. If the increased revenue is small or is a real saving on the present figure we may be able to agree on something,

whereas if you bring in a lot of these unnecessary expenditures that you are not really going to use and if this survey committee is going after a lot of economy and this personnel bill of Senator Martin's is going to revolutionize the personnel set-up here, why, let's bring the true picture before the caucus tonight.

There is nothing sacred about this budget. Just because ten men worked and labored over this for three or four months, there is nothing sacred about it, because, as a matter of fact, if we were really conscious of our public duty we would try to offer some constructive criticism. Now, why don't some of these members of the Appropriations Committee say, "Here, Fernald, here is this \$100,000; why don't we split the difference and call it \$50,000 or \$30,000." Let us give and take. Let us not either be agin' it or for it. We are here for discussion and as a matter of fact the last two days really have served as a basis for a great deal of constructive criticism, in the affairs of state government and if we could keep it up for the next two or three weeks that would be all we would need over the next two years. Let us get right down to the nub of the thing.

Now, there must really be some savings that can be made down there. Let us go carefully on this budget thing because tonight in the caucus we want to say, "Here, we want not quite \$19,000,000; we may need \$18,000,000;" and put that up to the caucus and then perhaps we would find that we didn't need all this taxing. Perhaps we wouldn't need two percent. Perhaps we can get along with one.

Assuming that you should agree on a sales tax, which I don't believe you will but as a matter of argument assuming you are agreed on a sales tax that would give you \$1,500,000 revenue and you found you needed \$1,600,000 by not properly proportioning this money, it would mean that you would have to have a two percent tax instead of one percent. We might cut this down so that it would coincide with some moderate tax measure. I think the saving can be made there.

Mr. BURKETT of Knox: Mr. President, I hate to differ with my friend Roy Hussey in this matter because I have been arm in arm with him all through this Senate

but I am inclined to think that a good business man could go down there and make that institution self supporting and I am of the opinion that if we had now one of the wardens we have had before he could do that. The Senator from Kennebec, Senator Hussey, spoke about the morale. I don't know how you could increase the morale very much. There is a woman in Knox county who has an organization that goes there with flowers for the women and when they are gone the women down there thumb their noses at them.

Now, every one of the cells has a toilet and a radio and they have newspapers and things and really everything is awfully nice. Those things could be curtailed a little, in my opinion. I live within 12 miles of the prison and there was a bunch of them in my town the other night sitting on my store doorstep and they went off and left one fellow there and I asked them how long before he was going to get out and he said two months, and I said, "What are you going to do when you get out?" And he said, "I am going to do some devilish thing to get right back. It is the best home I ever had." And as far as the finances are concerned I am going to disagree with Senator Hussey and support Roy Fernald in this matter and say that I believe there is a chance to do a little cutting down there.

Miss MARTIN of Penobscot: Mr. President, I, too, hate to disagree with the Senator from Kennebec, Senator Hussey, but I am convinced that if that farm were run properly and if the goods produced there were sold at prevailing market prices so they were not competing unfairly with the regular markets, they could easily save \$15,000. Therefore, I will support Senator Fernald's amendment.

Mr. WILLEY: Mr. President, the warden of the state prison told me that he thought, there was no question in his mind but what a saving could be made provided he could have materials in advance have them on hand to make the products they have to sell. For instance, the state has been paying \$150,000 for dry kiln oak. Everyone knows it is expensive—it is two inches thick and has a minimum width of four inches. If the oak can be bought green it can be put on the kilns. As the Senator from York,

Senator Wentworth, has said, and as the Senator from Penobscot, Senator Martin, has said, if we put it on a business basis, I think we can clip the appropriation and go along all right. I do think that Senator Fernald was in error about buying a house. My information was that Governor Brann went up there with a couple of members of the council and I guess they said, "We have \$4500 left in the contingent fund. We have got to spend it." So they spent the last they had in the contingent fund to buy it. Probably that accounts for the overdraft, a part of it.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "H" be adopted.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and eight opposed, the motion to adopt Senate Amendment "H" prevailed.

Thereupon, Mr. Fernald of Waldo offered Senate Amendment "I" and moved its adoption:

"Senate Amendment 'I' to Legislative Document 899. Amend said act by reducing the appropriation for the department of the Industrial Accident Commission from \$34,000 each year to \$30,000 each year."

Mr. FERNALD: Mr. President, my position on that is this: That department can be reduced \$4,000 a year without seriously impairing the work, and that is based upon a study of the figures since the creation of the department, and I believe—I have not averaged them up, but I can read them if necessary,—but you will find \$30,000 has been ample to carry the department along and the work of the department is not now in the experimental stage, but it is on a definite and firm basis. Going along with my theory of attack on this budget, is that every department should give just a little bit and I do not think that this \$4,000 would affect the department very much, but they could carry along all right.

I want to say this, which isn't any criticism of Mr. Garcelon, and Mr. Russell—I believe he is a member—and Miss Hanson, because I think they are doing a very splendid job, but I think if we all pull up our belts a little and go ahead, we can save some money. I will just give

some figures on this department: 1915: \$20,000. 1917: \$19,000. 1919: \$19,000. 1921: \$21,000. 1922: \$28,000. 1923: \$29,000. 1924: \$29,000. 1925: \$27,000. 1926: \$26,000. 1927: \$28,000. 1928: \$28,000. 1929: \$27,000. You know that 1929 was a prosperous year. That year the amount was \$27,000. 1930: \$34,000. 1931: \$36,000. 1932: \$34,000. 1933: \$32,000. 1934: \$27,000. 1935: \$30,000. 1936: \$33,000.

So you see whatever cut I have suggested is within reason and the department for several years has been run for that amount and there is no doubt but what it could be again. It may inconvenience them slightly, but it won't inconvenience them half as much as it would inconvenience the people of Maine to pay a sales tax or an income tax. It is a question, of saying, "Ladies and gentlemen, go along with us and we will go along with the people." Four thousand dollars isn't such a lot—but take four thousand dollars and pile them up in front of my desk and they would make quite a pile.

Mr. HUSSEY: Mr. President and members of the Senate, the appropriation asked for the department of the Industrial Accident Commission is \$34,000. As has been stated, it is mostly personnel. I do not seem to have heard or seen any order put in, or any suggestion made to the governor and council that so many people be cut off the payroll of the Industrial Accident Commission, or the salaries be cut of any member there. But that is what you would have to be doing in order to carry out any reduced budget. Of that \$34,000 asked for, \$29,365 has been estimated as payroll for the next fiscal year. The personnel of that department have duties to perform, increased duties which are demanded by the people of this state. It doesn't seem to be any decrease in the demands made by our constituents for the services by the state, yet I know that we all feel that we would like personally to get some of them, yet in justice to those demands which are being asked of us each and every day, we must pay attention to them as well as listen to the bugaboo of increased appropriations, which none of us like to see, but to get right down to the business point of this, we have a department set up which is functioning properly according to our state laws, and the personnel,

as I stated, costs the state every year \$29,365.

In order to function, there are certain commodities they have to have. They have to make telephone calls. They have to send telegrams. They have certain hearings to hold. They have to pay rental to the state for cars they use for investigating, which has to be paid for. We cannot say right off, with a snap of our fingers, "Let's cut all these things out". We know that the personnel has got to be kept going. We know they have got to have a car once in a while to go to different parts of the state. We know they have to get a typewriter once in a while for replacement. We know when they are out of town the State has to pay hotel bills. We know that they have to eat once in a while when they are out of town, and that can not be done without some cost to the state. Demands for these services are asked for by the people, and in most cases statutes have been put on our statute books creating these demands and expanding on them.

It is a little hard to be given a minute's notice to defend our appropriation figures, although I profess to be fairly well acquainted with them. The time to have gone into them was when they were advertised for a hearing or at any time our committee was in session, which has been practically every day since the legislature has been in session. We have all had to work anywhere from two to six, and even started at eight o'clock in the morning, but any questions about the expenditures or about cutting the Industrial Accident Commission was not broadcast to our committee. No questions were brought down there by the Senator from Waldo, Senator Fernald, in regard to this. These expenditures, in my mind,—and I might say the committee's, because they are unanimous in turning out this report—are necessary because they are the demand created by the people for them.

Mr. WENTWORTH of York: Mr. President, I remember this hearing quite well because I was so favorably impressed with the sincerity of the head of the department, Mr. Garcelon. I had never met him before. He brought out in the hearing that they had some 275 hearings in the different parts of the state and out of all the hearings

held, only three went to the higher court, which goes to show something of the personnel of the department. I do not believe we want to cut this department and put them back where they were when the pay cuts were in vogue.

Mr. FERNALD: Mr. President, I just want to say again for the fifteenth time that there is no need for apologizing for discussing this budget now. This is the place to discuss the budget. It is the place for the legislature to discuss it. I am not backing up one inch on the proposition. This is the proper and orderly place to discuss the budget, to discuss it under the code. Let's not have that brought up again.

I propose to decrease the budget of the Industrial Accident Commission from \$34,000 to \$30,000. The department of Industrial Accident has been in existence in Maine since 1915, a period of 21 years, and Mr. Garcelon, the very able chairman of the Commission, I believe, has been functioning on that board for a long while. He is doing a good job, as has the rest of the commission, as I have stated before. Now, let's look at this a little further. The first 15 years of the existence of the Commission, which has been in existence for 21 years, they ran it for less than \$30,000, that is, up to 1930. From 1930 on, they ran over a little. For two years in that period, between 1930 and 1935, they ran for \$30,000 or less. In other words, for 17 years out of the 21 years of the commission, in accordance with these figures submitted by Mr. Deering, they ran this outfit for \$30,000 or less. Four years they increased a little bit. I do not believe in this period of stringent financial condition, outlined by our governor, and one we all agree to, that we can give and take a little. Let's go back to the 1935 level and save the people \$8,000.

I would not stand here for a minute and impair the workings of the commission. There is nothing new about the workings of it. It is not an experiment. They have got so their work goes along on an even basis. They do not have any more cases now than they did a few years ago. In the last ten years the population has increased only 4%. No argument about it. Their duties have not increased. Your committee on Judiciary is going to report out a couple of commissions

that are going to make a study of some of their problems and help them a little further. The Judiciary Committee has been working with Mr. Garcelon and we are here for constructive work and I think it is a reasonable thing and a reasonable way to save \$8,000. For 17 years they have conducted the commission on \$30,000 or less, and only four when they have run over that, so I think we'd better pull in our belts and say, "Now, boys, go on and do the same good job you are doing now."

Mr. WILLEY: Mr. President, may I ask Senator Hussey a question?

The PRESIDENT: The Senator from Cumberland, Senator Willey, wishes to ask a question through the Chair of the Senator from Kennebec, Senator Hussey. That Senator may answer if he so desires.

Mr. WILLEY: Assuming the statement made by Senator Fernald is correct, this department has functioned for fifteen odd years for \$30,000 or less. Knowing as we do that there has been less employment and of course, less accidents, what was the basis upon which they asked for an additional allotment of \$4,000—more than they had during that 17 years?

Mr. HUSSEY: Two years ago the appropriation was \$34,000. They had an overlay of \$634.00 which, through the efficiency which both Senator Willey and I think others will admit, that commission has been working under, they turned back to the general fund \$634.00 over last year. You will have to admit industries in Maine are working more, are employing more men than they were in 1934, and we hope they are going to be employing more as time goes on. Indications are that manufacturing industries will increase their output. The demand is going to be stepped up greater than what the supply can furnish. As demand or supply is created on account of inactivity on the part of some of these industries, with old machinery there is liable to be more accidents rather than less. It is shown in our statistics over the past year. New and younger men are going to work on these machines who have not worked on them before and they will be expected to turn out as much material as some of the veterans. There is apt to be more accidents and that is why this commission is here, to see that labor and other

people in industry are protected and taken care of when accidents happen. I think you can readily see that asking \$34,000 for the next two years, in view of increased employment, and due to the demands for material, that there is liable to be more accidents, more investigation, more work for this department and they are asking the same sum.

Mr. WILLEY: Thank you, Senator Hussey. Mr. President, the functions of this department have nothing to do with labor conditions between employer and employee. I have not the records but I can get them to show that the accident rate has been decreasing rather than increasing, therefore diminishing the work of the Industrial Accident Commission. I hope that the splendid work of our industries will continue. They have put in safety measures so that our factories,—some in Kennebec County have operated a year without a single injury.

Their department has to do with determining whether or not the accident to the employee arises out of and in the course of his employment, and then fixing the compensation for the injury received, determining the degree of the injury and what the compensation should be.

Now, it is my off-hand guess, although I have not been into it, that Governor Brann and his council which reduced that high office to nothing less than a second grade employment bureau, did exactly what they tried to do with the racing commission. Governor Brann and one of the members of the council who did not come from any of the counties of the south and west, demanded that 16 men be employed on the state racing commission. They said to put one on from Waterville at a salary of \$135.00 a week. The commission told the council that they would do no such thing. They put a man on in Waterville at \$35.00 a week. Other men were put to work when there was no need of any such employment but the pressure was so strong that the commission could not resist it. I think that is what happened here. If they got along 17 years for \$30,000 they can get along for \$30,000 this year. No matter how much we clip the budget, there is still plenty of work left for the Governor and Council.

The PRESIDENT: The question

is on the adoption of Senate Amendment "I" to Legislative Document 899.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had. Ten having voted in the affirmative and thirteen opposed, the motion to adopt Senate Amendment "I" did not prevail.

The PRESIDENT: The Senate will now recess until five o'clock.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: For the information of the Senate, the Chair will say that a motion to adjourn will be made about five-thirty.

Mr. Fernald of Waldo offered Senate Amendment "J" and moved its adoption: "Senate Amendment J. Amend said act by making no appropriation for the insurance of state property."

Mr. HUSSEY of Kennebec: Mr. President, I have heard the amendment as read. I think a good many others in this legislature have heard about it too. I know the previous legislatures have thrashed this out pro and con and it has been turned down as not feasible for the state to embark on. Now, the Senator from Waldo, Senator Fernald, who introduced this amendment, has lost sight of something more than the figures of \$40,000 set up for the next fiscal year. I have heard the arguments for the amendment and they seem to be based mostly upon what the Standard Oil Company or the Gulf Refining Company or some other company has done. But those aren't the only companies in this country. They are reliable companies, I will admit, but we all might not agree that they are the most responsible in the country.

It comes down to whether the state should carry insurance upon the state property. I don't think that I will go back over a great number of years. I will go back just a couple of years because we are working in the present time and under present circumstances and looking out into the future, not back over a decade, citing figures of what has gone on in the past. Let us consider the present and over the fiscal year for which the last appropriation was set up. It was set up \$40,000, I believe, to cover insurance and that is taking



out the insurance through insurance companies in the state of Maine. They may not be state of Maine insurance companies but they are doing business in the state and they insure our property. In return for the amount which we spend they guarantee us against certain losses as regards the amount we have invested.

Within the last year we lost the State Normal School at Machias. During that one year we returned an amount over and above the three year appropriation for insuring our whole institution. That one case right there demonstrated that this state for the sum which was expended during that year was taking no chances of going into debt through any causes which they could guard against. That was an accident that we were protected against in that we received back from the insurance companies money to rebuild that building. We also had another loss and that was at our University of Maine in Orono. There is another case in which we received back more in one year than we expended for the insurance premium.

The losses might have been greater. There is no doubt in my mind, and there shouldn't be in the mind of any of you, that if we had a fire in this state capitol here and if we weren't insured we would be facing more taxation, taxation on which we would get more disagreement on expenditures of money because we weren't wise in protecting ourselves against any catastrophe like that.

I think you men in your business, both private and otherwise, protect yourselves by insuring your property, not that you don't feel that over a long period of years that possibly you would have accumulated a certain fund, but in order to protect yourselves so that at some given time when you were unprotected, when you might be engaged in some business deal in which all available cash was needed and a further assessment would cost you considerable embarrassment and possibly court disaster, you would be protected; and if we should try to cut off insuring our buildings, our state institutions, and if by act of God or otherwise we should lose one of them, we would not, in our dire circumstances, be able to put up suitable buildings to take care of the functioning of our

state government and to take care of any individuals who might be caught in those circumstances.

As I have said, this bill has been before the legislatures before. It seems that I have heard of it at least three times and each time both branches have turned it down. And yet it seems to pop up. The same members in our legislature today were not all in the legislature of two years ago although we have a certain number, and back over the four years the majority of those are not the same ones here today. Yet they decided in their wisdom that this should not be cut off from our general appropriation. I think it is only good business that we should keep our state insurance on all buildings, which totals approximately \$40,000 a year. It is good business for the state.

Mr. FERNALD: Mr. President, we want to adjourn at five-thirty and I will do my best to keep within my time. I guess before we go home to our suppers and before we return to the caucus we should take time to recall that our efficient and worthwhile Committee on Appropriations and Financial Affairs have been laboring on the budget involving \$19,000,000 for January, February and March, and if the newspaper reports are correct they have perfected a saving of \$31,000. Now, let me remind the Senate that we came in here this afternoon at two o'clock and in three hours and twenty minutes we have effected the same saving.

Now, let us get down to the proposition before us, and that is Amendment "J" which proposes to cut out the appropriation of \$40,000 a year for the insuring of state buildings. Let me start out on that proposition by saying that I insure my own buildings and the reason for that is that it happens to be that I only own a few pieces of property. There is no conflict between my theory of insurance for myself and my theory for the state. The state of Maine has 1300 different risks, isolated in different parts of the state. The policy that I am asking you members of the legislature to put into effect is a policy that is only followed by all but seventeen states in the Union. Now, there are thirty-one other states including the United States government; the state of New York, Ohio, Illinois, California, South Carolina—and for the rest of them

look in the record of 1935. They are all listed there. There are thirty-one states that refuse to insure their state property with private individuals as we are doing. So I am not advocating anything radical. I am just advocating something that we are coming to later because the state, with the diversified risks, is big enough to insure its own property.

Now, the suggestion is made that the state house might burn if we don't have it insured, but do you know how much insurance we have got on the state house today? Well, we have got the magnificent sum of \$800,000. So we would kind of be up against it whether we had any insurance on it or not. So far as the risk is concerned we are not covered at all now.

Now, the suggestion is made that we have had tremendous losses in the last two years. Granted. But up to 1935 for the previous ten years the average loss from fire over a period of ten years was \$8,000 a year, or \$32,000 a year less than we are paying for the protection. It is true that we have had a couple of fires in the last two years, but let me remind you of this fact, that if, during the last two year period, or assuming that in 1935 you had adopted my same theory that I am advocating today and it had come about that your insurance would have lapsed on your normal school at Machias, what would have happened? This is what would have happened; the question of the advisability of whether or not we should have rebuilt the normal school at Machias would be a problem before this legislature and you know the answer to that. If the problem was before this legislature today we wouldn't rebuild the normal school down at Machias and consequently there would be a lot of overhead and so forth that would not be occurring, because you know, when you talk facts and what is right, that we don't need the normal school at Machias, and that is with all due respect to the Senators from Washington county.

Now, that takes care of that proposition and you will find that this proposed saving is sound over a long period and that no tremendous losses are going to occur. If the state house burns tonight, insurance or no insurance you have got to have a special session of the

legislature. You can argue all you want to but I am advocating a policy that is what all but seventeen states are doing. It is good business. Stop and think a little. If you should check up on some of these insurance companies that are insuring our state property you would find that they aren't half as big a corporation as the state of Maine and I tell you that you will find, just as a business proposition, that it is sound. A great many companies are doing it; the New York Central Railroad and the Gulf Refining Company and Woolworth's and the A. & P. Stores Corporation and many others. It is good business because they have diversified risks. That is all there is to it. That is all the insurance companies do. They diversify their risks.

Now, if we adopt this amendment it doesn't mean that we are going to be immediately out of insurance because we already have insurance in effect that will be lapsing and going out of effect during the period but it isn't going to leave us without any coverage, although I still think we are all right if there isn't any.

Now I have argued this thing and reported my stand and you all have your minds made up and it is twenty-five minutes past five and we have five minutes in which to vote, so let us have a division and vote and go home and come back tomorrow morning and take up the next question.

Mr. WILLEY: Mr. President, it seems to me this is not a problem that involves any department. There is no danger of any department not being able to run efficiently no matter what we do. It seems to me it is strictly a question of what policy the State will follow in the future regarding insurance of buildings.

I, too, have investigated this matter and found—I found 18 states rather than 17—which do not insure their buildings. We would not be launching ourselves into uncharted seas because it has proven absolutely satisfactory to other states. They have seen the wisdom of doing this. The reason why this bill has been defeated here year after year is that it is nothing but a political plum. It costs the State \$32,000 a year over a period of two years to carry the insurance and the State got back only \$8,000—the fire on the Machias school, which was a

god-send in disguise because it should never have been rebuilt. It seems to me while some people complain that you should not cut this department or that one, here is a chance to make a saving, if you are economically minded, without injuring any department. When we vote on this, I would like a division.

Mr. FORTIN of Androscoggin: Mr. President, in view of the fact that I would like to speak on this measure and it will take me more than five minutes, and in view of the fact that we have agreed to adjourn at five-thirty, I would move this amendment lie on the table,

and I shall take it off the table the first thing tomorrow morning.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Fortin, that Senate Amendment "J" to Legislative Document 899, lie on the table. Is that the pleasure of the Senate?

The motion prevailed, and the bill and amendment were laid upon the table pending adoption of Senate Amendment "J".

On motion by Mr. Fernald of Waldo,

Adjourned until tomorrow morning at ten o'clock.