

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

Thursday, April 8, 1937.

Senate called to order by the President.

Prayer by the Reverend W. P. Bradford of Hallowell.

Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

From the House:

The same Committee on bill "An Act to Establish a Commission of Public Safety for the City of Biddeford," (H. P. 1110) (L. D. 319) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Miss Martin of Penobscot, tabled pending acceptance of the report in concurrence.

House Bills and Resolves in First Reading

"An Act Relating to Conventions of Municipal Assessors" (H. P. 659) (L. D. 228).

(On motion by Mr. Fernald of Waldo, tabled pending acceptance of the report in concurrence.)

"Resolve Appropriating Money to Restore the Early Records in the Office of the Register of Probate for York County" (H. P. 1477) (L. D. 560).

"An Act Requiring the Installation of Pick Clocks, so-called, on Looms in Textile Factories" (H. P. 1523) (L. D. 676).

"An Act Relative to Presque Isle Sewer District," (H. P. 1106) (L. D. 416) in new draft (H. P. 1826) (L. D. 972).

"An Act to Provide a Town Council and Manager Form of Government for the Town of Bridgton," (H. P. 476) (L. D. 139) in new draft (H. P. 1824) (L. D. 975).

"An Act Relating to the Maine State Planning Board" (H. P. 1554) (L. D. 722).

"An Act Relating to Members of Maine Development Commission," (H. P. 685) (L. D. 226) in new draft (H. P. 1825) (L. D. 974).

"Resolve Providing for a State Pension for Lucie F. Farlin, of Dover-Foxcroft" (H. P. 1020) (L. D. 976).

"An Act Relating to the Gasoline Tax," (H. P. 898) (L. D. 314) in

new draft (H. P. 1828) (L. D. 973).

"An Act Relating to the Gasoline Tax" (H. P. 1183) (L. D. 441) in new draft (H. P. 1827) (L. D. 971).

"An Act Relating to the Maine Kennebec Bridge" (H. P. 1134) (L. D. 331).

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

From the House:

The Committee on Claims on "Resolve in Favor of J. Edwin Bradbury of Rockland," (H. P. 976) reported that the same ought not to pass.

In the House, recommended to the Committee on Claims.

In the Senate, the resolve was re-committed in concurrence.

From the House:

The Committee on Sea and Shore Fisheries on bill "An Act Relating to Lobster Fishermen's Licenses," (H. P. 1572) (L. D. 624) reported that the same ought not to pass.

In the House, the bill substituted for the report, House Amendment "A" read and adopted, and the bill as amended, passed to be engrossed.

In the Senate, the bill was substituted for the report in concurrence, and given its first reading; House Amendment "A" was read, and on motion by Mr. Lewis of Lincoln, the bill and the amendment were laid upon the table pending adoption of House Amendment "A".

From the House:

The majority of the Committee on Judiciary on bill "An Act to Incorporate the Insurance Finance Corporation," (H. P. 1094) (L. D. 347) reported that the same ought not to pass.

(Signed)

Fernald of Waldo
Laughlin of Cumberland
Willey of Cumberland
Varney of Berwick
Bird of Rockland
McGlaulin of Portland
Thorne of Madison

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

(Signed)

Hinckley of South Portland
Weatherbee of Lincoln
Philbrick of Cape Elizabeth

Comes from the House, the majority report accepted.

In the Senate, on motion by Miss Laughlin of Cumberland, tabled pending acceptance of either report.

From the House:

Report "A" of the Committee on Judiciary on bill "An Act to Enable Party Conventions to Propose Candidates for Governor, U. S. Senator and Members of Congress to be Placed Upon the Ballots at Direct Primary Elections," (H. P. 11) (L. D. 8) reported that the same ought to pass.

(Signed)

Willey of Cumberland
Philbrick of Cape Elizabeth
Varney of Berwick
Bird of Rockland
McGlaulin of Portland

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

(Signed)

Fernald of Waldo
Laughlin of Cumberland
Hinckley of South Portland
Thorne of Madison
Weatherbee of Lincoln

Comes from the House, report "B" of the Committee accepted.

In the Senate, Mr. Willey of Cumberland moved the acceptance of Report "A".

A viva voce vote being had, the Chair was in doubt.

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

Thereupon, on motion by Mr. Fernald of Waldo, Report "B" "Ought Not to Pass" was accepted in concurrence.

From the House:

The majority of the Committee on Public Utilities on bill "An Act Relating to Motor Vehicles Carrying Passengers for Hire," (H. P. 1563) (L. D. 641) reported that the same ought to pass.

(Signed)

Goudy of Cumberland
Graves of Hancock
Webber of Auburn
Batchelder of Parsonsfield
Packard of Houlton
Martin of Oakland
Noyes of Franklin
Parsons of Hartiord

The minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(Signed)

Willey of Cumberland
Tabbutt of Columbia Falls

In the House, the majority report accepted.

In the Senate:

Mr. WILLEY of Cumberland: Mr. President, as one of the signers of the minority report I shall move that the minority report be accepted in non-concurrence and in connection with that I want to make the following remarks. Of course, as was pointed out yesterday, anyone on a committee, joint standing committee, anyone of the ten members, three from the Senate and seven from the House, may see fit to sign a majority, or a unanimous, or a minority report, but whenever I sign a report personally I don't bluff; I have got actual reasons for signing that report and I have actual reasons for signing this minority report. These are my reasons. It is immaterial to me whether the Senate adopts them or not but these are my reasons and I believe they are sound:

First. This matter is already covered—and if you will turn to Legislative Document 641—this matter is already sufficiently covered by existing law. Now, I mean by that, just this: This bill was introduced into this legislature in an attempt to prevent people from running automobiles, whether it be a farmer, whether it be a taxi man or whether it be just a man going to town, from picking up passengers in front of a bus.

Now, if you were going along with your car and a bus were coming in back of you and each morning you picked up two or three of your neighbors and took them into town, under this bill they can stop you; you can't do that. That is what they intend to do. Now, should anyone make a practice of that for business and collect money for it, if you collect money for it, then they can stop you without going to the trouble of bringing a bill in equity and actually proving that you are operating in violation of the existing law.

Now, there are many companies who have already successfully brought actions against people who were operating in violation of our present law. And they have succeeded in attaining conviction. Therefore, I say that my first rea-

son is that there is already sufficient law to cover this question.

My second reason is that this proposed legislation arises from a local demand down around Lewiston in favor of brought by those interested in the Androscoggin and Kennebec Railroad. No other part of the state is interested in the enactment of this particular law. Therefore, for that reason, my second reason, I am not in favor of this proposed legislation.

For my third reason, I think that the bill itself is too indefinite, too vague, too loosely worded, although it has been adopted in some other states, for proper enforcement in this state and I call your attention to the wording in the 6th line beginning after the comma: "by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire."

Now, that, "indiscriminately receiving". "Indiscriminately" means a state of confusion. It means without regularity. It means a dozen things. I don't know what it means but I think it is bad legislation. So I move the adoption of the minority report in non-concurrence for these reasons.

Mr. GOUDY of Cumberland: Mr. President, I hope the motion of the Senator from Cumberland, Senator Willey, does not prevail. This bill applies only to regular busses carrying passengers over a fixed and definite route between points. It doesn't in any way apply to any person who may be traveling in the road in a truck, for instance, and who wants to pick up passengers.

Now, this bill was heard before the Public Utilities Committee and as you can see there is a divided report. The House, in its wisdom saw fit to accept the majority report. This is not a bill that applies only to the city of Lewiston. It is a general law and is applicable to every nook and corner of the state of Maine where busses are so operated, and I feel, in justice to the committee, that I should at this time—although I have no particular interest in the bill whatever—I do feel that I should at this time urge that the motion of the Senator from Cumberland, Senator Willey, shall not prevail.

Mr. WILLEY: Mr. President, in answer to my colleague, the Senator from Cumberland, Senator

Goudy, the purpose and the only purpose of this bill is not concerning busses, it is concerning those who compete with busses. I will cite an illustration where, I think, the Maine Central Transportation Company secured a conviction. There was a construction job going on in the state somewhere and the carpenter who was working on the job arranged to take certain passengers in his car. Now, I think these facts are correct although I may be in error. He charged so much for each passenger. Later, three more cars were taken on and competed with the busses. Now, in that case they actually got a conviction against those who were competing with busses. And that is the purpose of this bill. There is no other purpose.

Now, Mr. President, may I ask the Senator from Cumberland (Senator Goudy) a question through the Chair?

The PRESIDENT: The Senator from Cumberland, Senator Willey, desires to ask through the Chair a question of the Senator from Cumberland, Senator Goudy, and that Senator may answer the question through the Chair if he so desires.

Mr. WILLEY: Does the Senator deny that there is sufficient law on our books already to cover this proposed legislation?

Mr. GOUDY: Mr. President, I neither deny nor admit.

Mr. WILLEY: Mr. President, that is the most significant and the greatest point here. We shouldn't enact this law. There is already plenty of law on our books now to cover this point. It may be difficult—I know it is difficult—for them to obtain prosecution. There is no question about that. But the law is there and they can get their prosecution, and I think this is dangerous legislation, and I certainly urge the acceptance of the minority report although I again say that it does not affect me personally but is a general matter throughout the state.

Mr. GOUDY: Mr. President, the distinguished Senator from Cumberland, Senator Willey, has cited a certain situation as being the fact but not vouching that it is so. So I am wondering how much prohibitive force we can give to that statement.

Mr. WILLEY: Mr. President, if I may be permitted to speak again I would like to say that I have abso-

lute evidence of the conviction. I talked with those who had charge of getting the conviction. I have no doubt about the conviction but when I repeat hearsay as to how the ygot the conviction I want to go on record that I might possibly be in error as to the restatement of facts. That sometimes happens.

Mr. GOUDY: Does the Senator mean that the conviction of which he speaks may have been for some other offense?

Mr. WILLEY: No, Mr. President, I do not.

Miss LAUGHLIN: Mr. President, in order that Cumberland county may be fully represented in this discussion, may I ask the Senator from Cumberland, Senator Willey, a question and if he can not answer it I will ask it of my other colleague?

The PRESIDENT: The Senator from Cumberland, Senator Laughlin may ask her question through the Chair and the Senator from Cumberland, Senator Willey, may answer if he so desires.

Miss LAUGHLIN: Mr. President, I just want to know this. I happen to know that in Portland, at least, and doubtless in other places where there are high schools, some one of the scholars has an automobile and he picks up some of the others and they make contributions to cover their share of the gasoline expense and so forth. I would like to ask my colleague, Senator Willey, whether this bill would include them so as to prohibit their doing that without their coming under the public utility jurisdiction?

Mr. WILLEY: Answering the question, Mr. President, of the Senator from Cumberland, Senator Laughlin, through the Chair, I will state that it is my opinion, although I don't know what the law court would say, it is my opinion that the presentation of this bill for enactment was to cover not the school cases, although I think it would cover them just as it would cover the case of the carpenters, and my answer to you is, Senator Laughlin, that they would be within the enactment of this bill, in my opinion.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Willey, that the "Ought Not to Pass" report, the minority report of the Committee on Public Utilities be accepted in non-concurrence with the action of the House:

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

The PRESIDENT: The Senator from Cumberland, Senator Willey, asks for a division.

A division of the Senate was had. Fifteen having voted in the affirmative and sixteen opposed, the minority report was not adopted.

Mr. GOUDY: Mr. President, I now move that the majority report be accepted in concurrence.

A viva voce vote being had, the motion prevailed.

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

From the House:

The majority of the same Committee on bill "An Act to Promote the Safety of Railway Travel," (H. P. 1564) (L. D. 688) reported that legislation thereon is unnecessary as subject matter is sufficiently covered by existing law.

(Signed)

Willey of Cumberland
Goudy of Cumberland
Graves of Hancock
Webber of Auburn
Noyes of Franklin
Batchelder of Parsonsfield
Parsons of Hartford
Martin of Oakland

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

(Signed)

Packard of Houlton
Tabbutt of Columbia Falls

In the House, the majority report accepted.

In the Senate, on motion by Mr. Willey of Cumberland, the majority report, that "legislation thereon is unnecessary," was accepted in concurrence.

Reports of Committees

Miss Martin from the Committee on Federal Relations on "Memorial to the Congress of the United States Urging it to appropriate Money for the Care of Telephone and Telegraph Cables to Matinicus Island," (S. P. 311) reported that the same be adopted.

(On motion by Mr. Fernald of Waldo, tabled pending adoption of the Memorial.)

Miss Martin from the Committee on Federal Relations submitted its Final Report.

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

The majority of the Committee on Judiciary on bill "An Act Requiring Owners of Certain Motor Vehicles and Trailers to Furnish Security for Their Civil Liability on Account of Personal Injuries Caused by their Motor Vehicles and Trailers," (S. P. 302) (L. D. 496) reported that the same ought not to pass.

(Signed)

Fernald of Waldo
Philbrick of Cape Elizabeth
Bird of Rockland
Weatherbee of Lincoln
Varney of Berwick
McGlaflin of Portland

The minority of the same Committee on the same subject matter reported the same in a new draft (S. P. 498) under a new title, bill "An Act Requiring Owners of Certain Motor Vehicles and Trailers to Furnish Security for Their Civil Liability on Account of Personal Injuries and Property Damage Caused by their Motor Vehicles and Trailers," and that it ought to pass.

(Signed)

Laughlin of Cumberland
Willey of Cumberland
Thorne of Madison
Hinckley of South Portland

On motion by Miss Laughlin of Cumberland, tabled pending acceptance of either report, and 500 copies of the new draft ordered printed.

Passed to Be Engrossed

"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. 66) (L. D. 965)

"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)

Bill "An Act Relating to the Terms of Office of the Members of the Interstate Authority for the Portsmouth-Kittery Bridge." (H. P. 1753) (L. D. 863)

Bill "An Act Relating to Settlement of Estate of Absentees." (H. P. 1800) (L. D. 967)

"Resolve Regulating Hunting and Trapping of Muskrats." (H. P. 1801) (L. D. 961)

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

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

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

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

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

"Resolve in Favor of Archie Robbins of Biddeford." (H. P. 1807) (L. D. 954)

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

"Resolve Granting a Bonus for Henry P. Russell of South Portland." (H. P. 1809) (L. D. 952)

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

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

"Resolve in Favor of Mrs. Myrtie P. Webber of Farmington Falls." (H. P. 1812) (L. D. 949)

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

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

Bill "An Act Relating to Impeachment of Witnesses." (H. P. 1815) (L. D. 946)

Bill "An Act to Provide for the Surrender by Town of Argyle of its Organization." (H. P. 1816) (L. D. 945)

Bill "An Act to Incorporate Great Indian Stream Log Driving Company." (H. P. 1817) (L. D. 969)

Bill "An Act to Incorporate Black Stream Log Driving Company." (H. P. 1818) (L. D. 968)

Bill "An Act to Empower Towns and Cities to Establish Pensions and Retirements for Employees." (H. P. 1819) (L. D. 944)

Bill "An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire." (H. P. 1820) (L. D. 943)

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

Bill, "An Act Relating to Reckless Driving" (S. P. 322) (L. D. 592)

Mr. SPEAR of Cumberland: Mr. President, is it in order to take up Item 28, Legislative Document 592 at this time?

The PRESIDENT: The Chair will state that it is in order at this time.

Mr. SPEAR: Mr. President, I move that we reconsider our action of yesterday whereby the "Ought to Pass" report of the Committee was accepted.

Thereupon, the Senate voted to reconsider its former action, taken on the last legislative day, whereby the minority report of the Committee on Judiciary, "Ought to Pass" was accepted.

Mr. SPEAR: Mr. President, I now yield to the Senator from Cumberland, Senator Willey.

Mr. WILLEY: Mr. President, the Senate, by a very close vote yesterday—the Senator from Cumberland says it wasn't close—voted to accept the favorable report on this Legislative Document 592, "An Act Relating to Reckless Driving." Now, as I pointed out yesterday, our present law, Chapter 29, Section 86, is absolutely clear, absolutely specific, absolutely definite, and again I say there is no need for this legislation. I would like to ask every member of the Senate to turn to Legislative Document 592 and read it: "Whoever operates any vehicle upon any way, or in any place to which the public has a right of access, (a) recklessly." Now, there is one offense—"recklessly." "or (b) in a manner"—and going right back to the beginning as you have got to do to get the construction of the sentence—whoever operates a vehicle upon any way or in any place to which the public has a right of access "in a manner so as to endanger any person or property shall be guilty of reckless driving and upon conviction shall be punished by a fine of not more than \$200" and so forth.

I call the attention of the members of this Senate to the fact that if you enact this into law and if you in any way endanger person or property you will be guilty of a crime. It doesn't matter what the circumstances are. You are proposing to enact a definite law here that, reading as it does, you will be guilty of committing the crime of reckless driving and you will be liable to pay a fine of \$200 or to imprisonment for three months. There

are no extenuating circumstances because by this bill you make it so that there can be none.

Gentlemen, I believe we should kill this measure and I now move that we indefinitely postpone "An Act Relating to Reckless Driving," Legislative Document 592, because it is the worst piece of legislation we have had before us this year and the most dangerous.

Thereupon, on motion by Mr. Marden of Kennebec the bill was laid upon the table pending the motion to indefinitely postpone.

Passed To Be Enacted

Bill "An Act Relating to the Practice of Law." (S. P. 240) (L. D. 387)

Bill "An Act Relating to the Salaries of the Judge and Recorder of Westbrook Municipal Court." (S. P. 464) (L. D. 879)

Bill "An Act to Provide for the Surrender by Mayfield Plantation of its Organization." (H. P. 623) (L. D. 178)

Finally Passed

"Resolve Relating to Smelt Fishing in Denny's River, Medomak River, and Georges River." (H. P. 1772) (L. D. 896)

Orders of the Day

The PRESIDENT: The Chair recognizes a former senator, Senator Bissett of Cumberland County, in the audience, and instructs the Sergeant-at-Arms to conduct him to the rostrum, to a seat at his right.

Thereupon, the Sergeant-at-Arms escorted the Honorable William Bissett of Cumberland County to a seat at the right of the President, amidst the applause of the Senate, the members rising.

Mr. MARDEN of Kennebec: Mr. President, referring to Items 17 and 18 on Page 2 of the calendar, being reports of committees which have been accepted,—for the purpose of communicating with certain interested parties, I wish to move to reconsider the vote taken—

Mr. WILLEY of Cumberland: Mr. President, will the Senator restate his question? We cannot hear.

Mr. MARDEN: For the purpose of communicating with certain parties who are interested in An Act Relating to the Gasoline Tax (H. P. 898) (L. D. 314), and preparatory to tabling for a day or two, I move

the Senate reconsider its action whereby the report of the committee which was "ought to pass in new draft" was accepted, in concurrence.

Mr. WILLEY: Mr. President, I do not see the object. The paper is still here. A motion to lay it on the table would accomplish the same thing in one vote.

The motion of the Senator from Kennebec, Senator Marden, prevailed and the Senate voted to reconsider its action whereby the report of the committee was accepted, in concurrence.

Thereupon, on motion by the same Senator, the bill and report were laid upon the table pending acceptance of the report.

Mr. MARDEN: Mr. President, I would make the same motion regarding Item 18, that is, that the Senate reconsider its action whereby it accepted the report of the committee in concurrence on Bill, An Act Relating to the Gasoline Tax, (H. P. 1183) (L. D. 441).

On motion by Mr. Willey of Cumberland, the bill was laid upon the table pending the motion to reconsider.

On motion by Mr. Friend of Somerset, the Senate voted to reconsider its action whereby Resolve in Favor of J. Edwin Bradbury of Rockland (H. P. 976) was recommitted to the Committee on Claims in concurrence.

Mr. FRIEND: Mr. President, this matter is a claim consisting of damage by deer to automobiles. Now the Committee on Claims has had about 100 of these matters come before it. We have allowed the most of them because of the policy of the committee, sufficient evidence was established where those claims would be allowed. The policy of the committee was that we should have the receipted bills of the damage and also affidavit on the part of some game warden or some police officer that it actually happened and was caused by deer or moose. In this case the committee, as in some other cases, did not have the proper evidence and there was no affidavit on the part of the game warden or police officer. So in such cases it was the policy of the Claims Committee to report out "ought not to pass." That is what was done with this claim and so

I move the acceptance of the report of the committee.

The motion prevailed, and the "ought not to pass" report of the committee was accepted, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Sagadahoc, the Senate voted to take from the table, An Act Relating to Vital Statistics, (S. P. 189) (L. D. 238), tabled by that Senator on April 1st pending motion to recede and concur with the House in the indefinite postponement of the bill; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Thereupon, Senator Sewall of Sagadahoc offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 288, An Act Relating to Vital Statistics. Amend said bill by striking out all after the enacting clause thereof and inserting in place thereof the following: 'Revised Statutes, chapter 4, section 9, amended. Section 9 of Chapter 4 of the Revised Statutes is hereby amended by adding at the end thereof, the following: 'and provided further, that on and after August 1, 1937, all projects to be undertaken within the provisions of this section shall first be listed with and approved in writing by the state librarian.'"

Mr. SEWALL: Mr. President, in explanation of this amendment, I might say that this does not in any way change the fundamental purposes of the vital statistics law. It does, I hope, offer an improved method of administering that law. To the best of my knowledge, all parties concerned in this matter have given this amendment general approval. Therefore, I move its adoption.

Mr. HUSSEY of Kennebec: Mr. President, I believe this amendment submitted by Senator Sewall is going along a great way in clearing up some of the difficulties which some of our committees have had in deciding on what was proper when the State was called on to pay for a certain number of books containing vital statistics of many of the towns and cities in this state. As was shown the other day, the reason why I was in favor of the bill was on account of the difficulty in

arriving at an amount to set up each year for vital statistics. Now that we have a state department head who will be responsible in okaying such vital statistics and such works, I feel the State will be protected so far as any appropriations are to be made.

Thereupon, Senate Amendment "A" was adopted.

Miss LAUGHLIN of Cumberland, Mr. President, I am a little puzzled as to the situation, as the bill was to repeal a certain statute. This amendment would be an amendment to an existing statute and I do not see how the amendment adopted to this bill can accomplish the purpose because the bill seems to repeal.

Thereupon, on motion by Miss Laughlin of Cumberland, the bill was recommitted to the Committee on Library in non-concurrence.

Sent down for concurrence.

Order

(Out of Order)

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

ORDERED, the House concurring, that the Governor and Council, be and hereby are, directed to offer their services as arbitrators to the employers, and all organizations of employers, and to the employees and all organizations of employees in the cities of Lewiston and Auburn, for the purpose of settling the present labor disagreement, and be it further

ORDERED that the Governor and Council be, and hereby are, directed in case of the refusal of any of the aforementioned parties to agree to such arbitration, to investigate the acts of all parties before mentioned, and all those who are concerned in the said present labor disagreement, including the law enforcement bodies.

Mr. WALSH of Androscoggin: Mr. President, in explanation of my introducing the order, I would like to enlighten the Senate as follows: We are all aware of the fact that labor difficulties exist in the cities of Lewiston and Auburn. If you are following the newspaper reports from the local papers you, no doubt, have a very false and distorted view of the conditions that actually exist there. You were probably led to believe that the streets of the two

cities are filled with wild eyed radicals and agitators, forcing and intimidating the employees and operatives in the two cities from going to work.

Let me inform you that no such conditions exist in the cities of Lewiston and Auburn. The shoe operatives of the two cities are on strike against conditions which they believe should be remedied. Whether their grievances are right or wrong is not for you or me to judge. But when you are told that they are being held from their jobs because of fear of outside labor leaders, you are being fed propaganda that would put Hitler and his German press to shame. I have talked with hundreds of workers in the past three days. I have gone into their homes and talked with their families. I talked with six thousand operatives in the Lewiston armory on Sunday last. I have yet to come across anyone who is being held from his job by fear or intimidation.

I have talked with the leaders of their cause. I have checked their files, I have checked back on their past personal and private history, and if these people who are on strike are to be branded with the sign of radicalism, then I am at a loss to know as to just how I should describe myself. I am no radical, neither am I an agitator, yet I am far more socially minded than any of these people. I have found more radicalism here under the dome of the State House, yes, even on the floor of this sacred Senate, than I have found in the ranks of the shoe workers. And at last Sunday's tremendous meeting, I found far more decorum and dignity than at some other places I am familiar with. I have talked with representatives of at least two of the manufacturers. I have talked with merchants and professional men and they are all in agreement with me that immediate steps must be taken to restore industrial peace to the two cities.

There is altogether too much nonsense being tossed around regarding this strike. We have the spectacle of municipal officials trying to prevent the strikers from assembling in their own halls for lawful assembly and free speech. Since when has this provision of the United States Constitution been null and void in the State of Maine? I recall very distinctly a certain episode here on

the floor of this Senate, earlier in the session, where we sent a delegation to Washington to protest against an alleged attempt to nullify the Constitution by the President. And here in our own back yard we have the most brazen attempt of them all,—to throttle the God-given and Constitution-protected right of free speech. And a city government that says, "you either work in the shops or starve—there will be no relief from us in Auburn". A town that has had their relief problems solved for them by the Federal government, that even now has most of their relief cases on W. P. A. projects. I have had legal minds search the statutes to find the laws that will force a man to work in a factory or shop where his fellow workers are on strike, but as yet they have not found that law. The municipality of Auburn says that the financial drain on their resources will not permit them to give relief. But at the same time they can afford to pay 27 state troopers' expenses to the amount of \$176.00 per day, and absolutely unneeded are these troopers. Five or six at the most could take care of all the extra police work needed. But I suppose it always looks impressive to have a large standing army hanging around, doing nothing, and a police department that issues warrants for conspiracy against men who haven't been in the city of Lewiston for seven years. But when that gentleman, a highly reputable attorney of Massachusetts, learned of the warrant and immediately came to Lewiston, the police decided very suddenly that they didn't want to arrest him.

And I will go on record right here and now that the people whom they have already arrested for conspiracy, will never be found guilty. In fact, I will be very much surprised if the cases ever go to the high court. You see, I am rather familiar with the workings of the Lewiston police department and their ever-ready signers of affidavits. I recall a case just this year where they had an affidavit involving the overseer of the poor, or rather, the superintendent of the poor farm, but when it came to trial, they just couldn't seem to locate the signer. And then there is another instance, on that very famous school board case, where they produced an affidavit on a member of the board, and after practically every prose-

cuting officer in the county ducked it, they decided not to use it. I am well entitled to my doubt regarding the legality of these warrants.

I do not want you to gather the impression that I am solely interested in the success of this situation from the strikers' viewpoint. I am interested in the entire well-being and prosperity of the community as a whole. We, in Lewiston and Auburn, are confronted with a situation which imperils the continued well-being and prosperity of every one of us. It is a situation which calls for decisive action and clear thinking, something which, at the present time is sadly missing in the two cities. It is a situation where mealy-mouthed words and evasive editorials are out of place. Our so-called business leaders and moulders of public opinion are, as usual, ducking around the corner and hiding their heads in the sand. They are moaning to high heaven about outside agitators and trouble makers, when they, themselves are responsible for bringing their own house of cards down around their shoulders. They couldn't get enough of these sweat-shops into Lewiston and Auburn in the regular manner, so they had a real estate agent make the rounds of the Massachusetts cities, and paint glowing pictures of what cheap labor they could get up in Lewiston and Auburn, Maine.

We see billboards put up around the countryside referring to doing things the American way. All right. Let's do this the American way and get down to business. There is only one way to do this and that is to stop issuing inflammatory statements by both sides, stop being so stubborn and pig-headed and get together and compose their differences. I don't care if they have fifteen different unions, whether the strikers belong to C. I. O., B. V. D., or anything else. If they have a union they wish to represent them, then the manufacturers have got to realize that the interests of the whole community is at stake, as well as their own private business. And again, I say that the so-called leaders of Lewiston and Auburn have not shown themselves capable of taking this situation in hand and the situation calls for immediate and decisive action.

We, in Maine, have always boasted of our ability to govern ourselves

and on several occasions have gone on record as opposing federal intervention in our affairs. Whether I agree with you on that question is not the point. The point is, do we want our labor troubles to be settled by federal mediators or are we going to take steps to handle our own affairs?

This situation is bigger than any one manufacturer, any group of manufacturers, or any labor union. It is bigger than any individual or group of individuals in Lewiston or Auburn. But it is not and must not be bigger than our state and our governor. There is just one man in Maine today capable of handling this situation and he sits in the executive chamber. He is a man big enough to sense public opinion and to determine the facts. He will assure justice to all parties concerned and his presence in the situation will quiet waters that are very close to the boiling point. If the Governor, with the advice and aid of his council, reach the point where he feels that settlement is impossible, then it is time for him to thoroughly consider the idea of investigating the various factors that have developed, and placing the blame fully and squarely on the shoulders where it belongs. No one group is going to come out of this thing with lily white hands, and they may as well know it right now. Both sides have plenty to answer for, and as for the municipal officers of both cities, they should arrange with their historians to eliminate this particular page from their life.

Before someone gets up and de-claims that this legislative body has no right to direct the Governor and Council to do anything, let me remind this Senate just a few days ago we passed an order in this Senate directing the Governor and Council to make a survey of the best way to save money in 1938 and to tell us about it in 1939. That is, tell those of us who will be back here in 1939. The way things look now, I am inclined to believe that there will be plenty of new faces here when the report comes in. So if we feel that we can pass the buck to the Governor and Council on any money saving measures, we certainly can in all honesty, ask the Governor and Council to take action in this emergency.

When the vote is taken, Mr. President, I ask for a division.

Mr. WILLEY: Mr. President, I

want to say first that I am probably as friendly to labor and would be as much for labor as any other member of the legislature, and I know that all the members of the legislature are friendly to labor and also friendly to capital. We don't favor one or the other, and until I heard the talk of the Senator from Androscoggin, Senator Walsh, in my two terms of the legislature I never before heard that we had a radical here.

Now, our governor has issued one of the ablest statements that has ever been issued by any governor of any one of the United States regarding the strike situation. It was full, adequate, and covered the situation ably. He said the rights of labor would be protected. He said the rights of property would be protected. Now, that was an able, competent statement, and one of the finest, as I have said, that has ever been issued by any governor of any state of our Union.

Now, I must correct the statement of the Senator from Androscoggin (Senator Walsh) that we directed the governor to make a survey and I think there has been a loose use of words and interpretation of words in this matter. This legislature never did any such thing. It simply said "request" and I again call the attention of the Senate to the fact that we can not direct an executive to do one thing. It is beyond our power and I am sure that were it within our power we would not take this action at this time because it would not be the proper thing to do.

Now, it seems to me, in all fairness, that the gentleman who introduced that order, having been told that this legislature has no right to order the executive to do anything, should withdraw that order rather than to attempt to embarrass this legislature or anyone else. I yield to the Senator from Androscoggin, Senator Walsh, and request that he withdraw an order that he knows we could not pass.

Mr. WALSH: Mr. President, I refuse to withdraw the order.

Thereupon, on motion by Mr. Fernald of Waldo, the order was laid upon the table pending passage.

The PRESIDENT: The Senate is proceeding under Orders of the Day and the Chair will point out that there are quite a few pending matters on the table at this late period

of the legislative session, and the Chair is of the opinion that the Senate should proceed to take such matters off the table as rapidly as possible at this time.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game "Ought to Pass in New Draft" (H. P. 1768) on bill, "An Act Relative to Sale of Fish" (H. P. 1447) (L. D. 635), tabled by that Senator on April 7th pending motion to indefinitely postpone the bill in concurrence; and on further motion by the same Senator the bill was indefinitely postponed in concurrence.

On motion by Miss Martin of Cumberland, the Senate voted to take from the table An Act Relating to Pauper Settlement (H. P. 1542) (L. D. 569), tabled by that Senator on April 1st pending adoption of House Amendment "A"; and on further motion by the same Senator, House Amendment "A" was indefinitely postponed and the bill passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Worthen of Penobscot, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game "Ought to Pass in New Draft" on Resolve Relating to Fishing in Certain Somerset Waters (H. P. 1074), tabled by that Senator on April 6th pending acceptance of the report in concurrence.

Thereupon, on motion by Mr. Friend of Somerset, the report was accepted in concurrence and the resolve was laid upon the table pending first reading.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Public Utilities, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" on An Act Authorizing Counties, Districts, Cities, Towns and Plantations to Establish, Acquire, Own and Operate Public Utilities (S. P. 210) (L. D. 296), tabled by that Senator on April 6th pending acceptance of either report.

At the request of the same Senator the Secretary read the reports.

Mr. WILLEY: Mr. President, I

now move the acceptance of the majority report "Ought Not to Pass".

Mr. CORRIGAN of Washington: Mr. President, inasmuch as this bill was presented by me I would like to make a few remarks in regard to it. There have been some changes made in this bill as it was originally introduced. It originally included telephone, telegraph and transportation. I have eliminated that in the new draft that the minority report has signed here. Now, outlining this bill in general, it is a bill to permit the municipalities of the state to engage in certain public utilities, and I will say right here and now, principally in the electrical business.

We haven't in this state very much gas business. Our larger communities have gas service but this is principally for electricity and I shall read now just a short statement made by Congressman Rankin of Mississippi who made a speech in the House of Representatives on June 2, 1936 in which he said: "Electricity is the life blood of an advancing organization." The lower the rates the more freely it flows, and the more freely it flows, the greater are its benefits to mankind. It is no longer to be regarded as a luxury, reserved for the fortunate few, but it has become a necessity and should be placed within the reach of all and supplied to them at rates the people can afford to pay. The great wealth of hydroelectric power in our navigable streams that throughout untold centuries has been running wasted to the sea is more valuable than all the gold fields, oil wells, and diamond mines the world has ever known. It lights the home, it cooks the meals, it heats the house, pumps the water, runs the radio, washes the clothes, scrubs the floor, heats the iron, grinds the feed and does a thousand other things to render the home cheerful and attractive and to lift from the shoulders of the housewife the endless burdens of drudgery she has borne since the beginning of time to say nothing of its value in turning the wheels of industry, operating our transportation system, aiding commerce, and contributing to the advancement and application of science. The hydroelectric power in our navigable streams and their tributaries is public property, national wealth, and should be used for the benefit of all the American people now living

as well as the ones that are yet to come."

Now, we have a situation, not only in Maine but to a greater degree throughout the country, where the public utilities, principally in the electric business, are charging exorbitant rates for electric energy—and I say exorbitant and I mean compared with those sections of the country that own and operate the electric power plants themselves, principally the T. V. A. in the south and on the west coast at Washington, up in Tacoma, Washington, and the province of Ontario.

Now, roughly, we pay anywhere from two to three times in Maine what these public-owned plants operate and sell electricity for and I will give you here the figures. This is taken from the same speech of Representative Rankin and his compiled figures here are from practically all the states in the Union showing the difference between public and privately owned plants on this continent but I will take only those figures relating to Maine as we are not particularly interested in the other states.

In the year 1935 the people of Maine paid to the public utilities of this state for electric energy \$10,761,000. Now, if we bought the same amount of electric energy from the T. V. A. we would have paid the T. V. A. on their rates \$5,675,000 or a saving of \$5,086,000. And under the rates obtaining in Tacoma, Washington, we would have paid \$5,432,000 or a saving of \$5,329,000. And under the rates obtaining in Ontario, we would have paid \$4,431,000 or a saving of \$6,331,000. Those are comparative rates between what we paid in Maine in 1934 and what we would have paid for the same amount of electric energy had we bought it from those three different publicly-owned systems.

Now, there is a bill at the present time in Massachusetts similar to this bill which I have here and at a hearing two or three weeks ago before the committee that heard this bill, among the proponents that appeared in favor of the bill was the Lieutenant Governor of Massachusetts. He said that after a study that the people of Massachusetts last year could have reduced their bill for electric energy by just about one-half. Massachusetts last year paid something like

fifty million dollars for electricity to the private companies in that state. Now, we will apply the same thing to Maine. I haven't the figures here for last year but the figures for 1934 are over ten and a half millions and we will assume that with the increase in business since that time that the state of Maine would have paid in round numbers twelve million dollars last year, and on the same basis that the state of Massachusetts could save half, we would save half here, and that is in line with the figures in Ontario and in line with the figures in the T. V. A.

But Maine is a different state than Massachusetts and we will cut that down and take only half of it and that is \$3,000,000 and we will cut that down again to 5% and that will give us \$1,250,000 which it is possible to save provided this bill was adopted and the municipalities of the state permitted to go into the electricity business for themselves. And that is the object of this bill, to give the people an opportunity to go into this business when and if they so desire. It doesn't impose anything on anyone. It gives the people in a city or a town, if they are not satisfied with the existing rates, the right to buy out the existing company or to go into the business.

There is no appropriation connected with this. There is no commission set up. It will not cost the state of Maine one nickel. It will simply place in the hands of the people an opportunity to defend themselves against exorbitant rates of the private company.

Now, Mr. President, it so happens that today of all days, I don't know why, I haven't had a cold this winter but I have one today and I won't burden you much longer with this but I urge that this bill be favorably considered that the people of this state may be placed in a position to secure cheaper rates. You will not be imposing anything on them. It is up to them locally to decide after a thorough investigation by their officials. It is left to be determined by the people of that vicinity or locality whether they want to go into the power business or not.

And just one thing more. If we could save here by this bill what they anticipate saving in Massachusetts and what they are actually in the T. V. A. section on the west

coast, we could probably save at least \$1,250,000.

We have heard a lot of talk around here about economy. That is good. But I want to say it is chicken feed, it is small potatoes, when compared to what could be saved under this bill, if the people had charge of it. It would be a great saving to the people and would give them a chance to determine for themselves.

Now, Mr. President, I hope that the motion of the Senator from Cumberland, Senator Willey does not prevail and I ask for a roll call, Yea and Nay vote on this.

The PRESIDENT: The Senator from Cumberland, Senator Willey, moves the acceptance of the "Ought Not to Pass" report on Legislative Document 296, and the Senator from Washington, Senator Corrigan, asks for a roll call vote. In order to take a roll call vote it is necessary that one-fifth of the members of the Senate shall signify their desire for it.

A division of the Senate was had.

A sufficient number not having risen, the Yea and Nay vote was not ordered.

Thereupon, a viva voce vote being had, the "Ought Not to Pass" report of the committee was accepted.

The PRESIDENT: We are proceeding under Orders of the Day.

On motion by Mr. Worthen of Penobscot, the Senate voted to take from the table, An Act Relating to Revocation of Fish and Game Licenses (S. P. 108) (L. D. 120), tabled by that Senator on April 1st pending adoption of House Amendment "B" in concurrence; and on further motion by the same Senator, House Amendment "B" was adopted in concurrence, and the bill as amended by House Amendments "A" and "B" was passed to be engrossed in concurrence.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Production and Sale of Milk, (S. P. 383) (L. D. 739), tabled by that Senator on March 24th pending second reading.

Mr. WILLEY of Cumberland: Mr. President, I will now yield to the Senator from Oxford, Senator Os-good.

Thereupon, on motion by Mr. Os-good of Oxford, the bill was recom-

mitted to the Committee on Agriculture, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, Resolve Relating to Fishing in Certain Somerset Waters (H. P. 1074), tabled by that Senator earlier in today's session pending first reading; and on further motion by the same Senator, the resolve was given its first reading and tomorrow assigned for second reading.

The PRESIDENT: There are still forty-odd matters on the table, unassigned. We have taken off about eight, and put on twelve.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs "Ought Not to Pass" on bill, An Act Authorizing Certain Cities to Enact Ordinances Respecting Parking Meters (S. P. 424) (L. D. 816), tabled by that Senator on March 24th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, An Act Relating to Hunting of Raccoons (H. P. 1723) (L. D. 838), tabled by that Senator on March 26th pending second reading.

Mr. WILLEY: Mr. President, although I realize the great difficulty of staggering through the woods with a lantern filled with kerosene, chasing raccoons up and down a hill—I move the bill be given its second reading.

Thereupon, the bill was given its second reading, and passed to be engrossed in concurrence.

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), tabled by Mr. Fortin of Androscoggin on April 7th pending adoption of Senate Amendment "J".

Mr. WENTWORTH of York: Mr. President, if in order, I would move the Senate recess for ten minutes.

The PRESIDENT: There is a motion before the Senate, it being the adoption of the amendment. Therefore, a motion to recess is out of order. The Chair will state that we plan to recess at about twelve-thirty, and if we can proceed with this particular amendment, we would be making some headway.

Mr. FORTIN of Androscoggin: Mr. President and members of the Senate, what I have to say in regard to the proposed amendment will be a few words which might be advice—to go slow and consider this matter seriously before we decide. It seems to me that we are a little way from the real situation in our discussion in regard to real economy in the expenditure of the state tax money.

Taking up the question of insurance on state property, there seems to be several things we lost sight of in yesterday's discussion. There are three questions involved. One is, why does the state insure its property? The second is, has the state had any serious fire losses? The third is, what is the cost of protection?

There is an investment of the people's money on the contents of state property, \$18,721,872, insured at 80% of its sound value. Now this is covered by a policy amounting to \$15,601.00. While this property is widely distributed, it is, on the whole, in large units. Now, a serious fire in any of the large units of state property would mean a very serious loss and require emergency taxation to replace any of these units if uninsured. None of this property is of absolute fireproof construction. Some of it is fire-resisting but not fireproof. May I interject a word from my own experience of fighting fires. There is no building fireproof. If the building, itself, is fireproof the contents and the paint on the wall is not.

The State House is the largest single building and represents a value of \$1,200,000, and it is 80% insured for \$1,000,000. The loss of this building would require much more than the insurance of its sound value to rebuild. At present building costs, it would probably require \$2,000,000 to reconstruct this, if destroyed by fire. The plants of the Augusta State Hospital and

Bangor State Hospital represent still greater investments. In Bangor, the hospital buildings are joined together. In Augusta, the buildings are more divided, but here the hospital group is composed of six buildings, all joined together. A large fire in any of these institutions would produce a loss as much as the State House.

The three sanitoriums are all of wood construction, with buildings near together and with very poor outside fire protection. They must depend upon their own fire fighting facilities. They are insured for \$116,000.

It is not necessary to consider each piece of property covered by the State policy. There is an investment of such size in any of these plants to warrant considerable fire protection. Any business using the people's money would be considered poorly managed if they carried no insurance on the property, or if the property was not properly insured. The people of this state, I fully realize, are entitled to protection of their property and their funds.

Someone may ask the question, if we have had any large fires? May I quote. The first loss of 1936 was only \$132,344.50. That was 1936. What does that bring to your mind? The premiums are \$80,000 every two years. Not so many years ago, if you will recall, there was a fire at the State Prison. This one fire required the expenditure of \$490,192.00. May I repeat—one fire, \$490,192.00, of the people's money to replace that particular building. At that time the State did not insure all of its institutional buildings. Loss from this one fire would have paid for all the state's yearly insurance costs for 12 years. That was the largest fire loss since 1920. If insurance had not been carried last year, the loss would have meant one quarter of a mill added to the state tax.

The reconstruction of the state prison, because of the lack of insurance, was not a complete job. The old walls of one building were not taken down, and the actual repairs were skimped. Perhaps we did not know yesterday when we voted—I use the word "we"—to cut the present appropriation, that these same old fire damaged walls are in very bad condition at present and must be partially torn down

and rebuilt at an estimated cost of \$10,000.

Now, let's look at the rate the State pays for insurance. Because of the insurance of all state buildings and contents with values in excess of \$5,000, the state carrying their own risks on several widely separated buildings, it is possible to get a rate of 30c per \$100 per year. Any business man would certainly be happy if he could get such a rate on his property. I do know that the Governor and Council, back at the time when His Excellency, Governor Barrows, was on the Council, made a very thorough study in order to reduce the state policies and premiums. Let us see what this means on a single piece of property. Under this system when buildings are insured as separate units, the cost for insuring the State House was \$8,800 per year. Under the present system, it costs \$4,200 per year to carry. If you will notice, it is just half of the amount before this study, to carry a million dollars on this particular building.

The risk is too important, really too great, for any administration to assume. The amendment offered by the Senator from Waldo, Senator Fernald, would leave every bit of the state property without protection, a situation that I, as a business man, would certainly never follow. My little business is insured even if it takes the last cent. The first sign of bankruptcy in business is to drop your insurance and I somehow feel the State of Maine is not ready to go into bankruptcy.

I would go slow. That would be my only advice, and consider this matter carefully before we decide on this most important question.

Mr. FERNALD of Waldo: The question of insurance and the question of bankruptcy and the question of the policy to be adopted by an individual or a policy to be adopted by the State are altogether different problems. The proposition that I am advocating here is that we, in the State of Maine, align ourselves with 31 states in the Union, including the District of Columbia and the United States Government, as against 17 states in the Union. I do not think that anyone would argue seriously that because the State of Massachusetts doesn't insure its buildings or the State of New York or the State of Ohio or the State of South Carolina, be-

cause those states and 31 others do not insure their property through private companies, I do not think we would contend they were going in bankruptcy, and I do not believe the minority leader and member of the Democratic party would argue that because the United States Government doesn't insure its property it is going into bankruptcy—we might take it on a different basis, but not for the reason that they are not insuring their property.

Now, let's assume we do have a fire in the State of Maine. Under the system you have now, you have no coverage. You have got to get out and raise more money for the thing. You are a co-insurer with the company. Many of the insurance companies are undoubtedly corporations not as big as the State of Maine. I insure my property, personally, but if I owned 13 diversified pieces of property, I'd let them insure themselves by one of two methods, either the revolving fund, or as I suggested here, no insurance at all. I think the better policy is no insurance at all. When you set up a fund, you know what becomes of the fund. When a legislature is faced by desperate financial conditions sees a fund set up, growing, growing, growing, they divert it and use it for some other purpose. That is the theory of that.

Now it is true in 1936 we had a fire loss of \$132,000 or what-have-you. But that would have occurred regardless of whether the property was insured or not. Let's assume, as a matter of argument that we didn't have insurance on it at the time. As I said yesterday, what would it have meant? It would have meant that we would not have replaced a \$125,000 white elephant in the menagerie, taken care of by the State along with the airports and state piers. In other words, this legislature would never have voted to rebuild the normal school at Machias, and the same thing would have occurred whether it had been a normal school in Machias, or Castine or what have you. The point is, we would have thought the thing out and agreed with the Governor that the condition of the state is critical, and public necessity for the normal school would not impel us to raise money to do it, and not impel us to raise money from a sales tax or from an income tax. Because you know and I know, if the

normal school in question is not in our locality, that we have too many normal schools today. You can argue as you want to, before you get to the nub of the situation. Educators know you have too many normal schools. That answers that argument. I agree there was a loss of \$132,000 in 1936. Let's go ten years further to ten years preceding that and the loss averaged \$8,000 a year. I am arguing insurance principles and insurance principles are based upon the past history upon the statistics of profit and loss in the past, and all I am asking is that a corporation as big as the State of Maine do business as an insurance company, as large as the State of Maine, would do.

They talk about the wonderful rate we get of 30 cents. I know of buildings which are insured for \$100,000 and the premium is \$100 a year. These insurance companies are not coming here and handing us any bonus. They are not coming here fighting for the privilege of insuring the buildings. They are fighting for the premium of \$40,000 a year and 20% commission they make, and I don't blame them. It is their privilege and their business, but it is our business as legislators of the State of Maine to see that it is not good business for the people of Maine, and we are going to save the \$40,000 because regardless of where you have a fire, regardless of whether you insure or not, you have got to have additional revenue. Talk about the State House, worth a million dollars. Let the State House burn, and by the time the politicians and legislature get through building it, you will find you have spent five million dollars. You will find it is insured from \$800,000 to \$1,000,000.

We have a chance to save some money and I think after the demonstration last night that we are ready to economize. I think the discussion of this budget was a little premature and I believe we should have followed my suggestion and begun our discussion of the budget today, after we had caucused and found out how we feel about some of these things. I might say right here, Roy Fernald is not for a 2% general sales tax, with an emergency or without an emergency, for two years, for one year, for one month, for one week or one day, because it isn't necessary. I think, if I sense the feeling of this Sen-

ate, when we get to vote on the thing, you are going to find a substantial minority group in the majority party that are for no taxes whatsoever, and I do not see how the Democratic party can vote for a sales tax when you consider their platform and the annunciations of their leader.

What can you do about it, because you are stopped here on your sales tax. There is nobody today that would seriously contend you could pass the income tax, even in the House. Now you can fuss around here all summer considering whether we are going to tax cosmetics or theatre tickets or bowling alleys or hydro-electric companies, but that won't get us anywhere. Our job is to take this budget and take it apart and find out what makes it tick, because we shall not press down upon the brow of an already overtaxed and overburdened public, further thorns of taxation, because if we do, those thorns of taxation in 1938 will be thrown back at us and we will come up missing.

Let's go slow on this thing, as Senator Fortin says, and think. Here is the nub of our taxation problem. This budget, \$19,000,000. 5% or 6% of \$19,000,000 is a million dollars. How long would it take to clip this whole thing 5%? It would take one one-hundredth of the time it takes us to caucus and find out what we found out last night. You know what we found out and everybody else does. You know and I know the answer to every caucus that was ever held whether held by the Democratic Party or the Republican Party, or by some society, or anything else. You know what they decided. I am not violating any confidence when I say that, because it is just a matter of history, a matter of record and a matter of common knowledge.

Now, let's take this thing apart and find out what is behind it all and get down to business, cut out some of these appropriations or cut them down and then we won't have to pay quite so much in taxes. We won't have half as many headaches as we have now. We won't have that feeling of the man who drank champagne all night and then tried to look pleasant in the morning. That is how we feel now and it isn't champagne we have been drinking but it is figuring up how we are going to ask the people for

more taxes and justify it. There is no answer to economy and there is no justification for any tax until you cut this budget and cut it until it hurts. And in doing that you don't have to do away with any necessary public function but you have got to cut out some of this unnecessary wasteful expenditure and get back to solid ground, get back to earth, and remember that somebody else has got to take the burden of taxation. And, Mr. President, when the vote is taken I ask for a division.

Mr. FORTIN of Androscoggin: Mr. President, I suggest a point of enlightenment because I am one to buy insurance in the near future. If the Senator from Waldo would kindly advise me the name of the insurance company that will insure any building in this country valued at \$100,000 for a premium of \$100 I would appreciate it very much.

Now, speaking for the minority of the Senate, the Democrats, there are very few of us and we have no apologies to offer for our past actions. I believe the boys were peaceful two years ago and in other sessions and at this time we are also disposed to be friendly and peaceful. In regard to the tax measures, we are willing to cooperate on the question of insurance but I would hate to be a member of the party that would recommend taking all of the insurance off the state house if the state house should burn tonight.

Mr. HUSSEY: Mr. President, and members of the Senate, I will make a very few brief remarks, and in doing so I would like to correct an impression which I feel might have been given out in the remarks by the Senator from Waldo, Senator Fernald, in that he says 1300 buildings are insured by the state. Actually we insure a little over 230. Those buildings are valued at from \$5,000 up, with two or three exceptions nothing under \$5,000 in value are in this policy.

It has been brought to our attention that 31 states do not carry insurance and we were left with the impression that they would be unprotected like we would be if this amendment went through. But if you will go back through the record you will find that all these 31 states or in the majority of cases the states are setting up a reserve so as to take care of any fire loss which might arise and the same is

true of some of the companies that have been spoken of, such as the Gulf Refining Company and other large companies. They have a reserve to fall back upon. And the small reserve or overlay which we have figured in our budget wouldn't take care of a single large loss which might occur within the boundaries of our state.

I think these things should be presented fairly and squarely before this Body and I believe you all understand perfectly by now that this state can not afford to go without the protection which is afforded by the set-up of \$40,000 per year in our appropriation bill.

Mr. FERNALD: Mr. President, let us get the record straight, and the record is straight in 1935 on the question of state insurance. The state has 1300 various risks throughout the state of Maine, buildings. The statement I made, and it can be checked because it is in this same speech of this same legislative day, was that thirty-one states do not use the method of Maine, and I also pointed out in my remarks that there were two methods that have taken care of our problem; one was not insuring, which is the method carried on by a majority of the states that do not follow the Maine method; the other is by setting up a revolving fund. Now, there is no need to argue about that any more because we are all set to vote and we are all set to get something to eat. But to get back to my good friend the minority floor leader, I want to say that when the discussion of the state budget is at hand, a budget involving or not involving future taxation for the people of Maine, it is the duty not only of the minority party but of the majority party not to sit peacefully and do nothing, but to take a militant and courageous action on what is required by the condition of the budget as presented to us, and that is the action that we must take regardless of our political preferences and desires.

The problem before us is momentous and the issue is economy and not more taxation. There is only one issue before us, economy and no more taxes.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "J" to Legislative Document 899 and the Senator from Waldo, Senator Fernald, has asked for a division.

A division of the Senate was had. Six having voted in the affirmative and twenty-two in the negative, the amendment was not adopted.

Order

(Out of Order)

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

"Ordered, that no amendment to a bill or resolve shall be acted upon by the Senate until the same has been either printed or reproduced and distributed to the members of the Senate and any amendment not so printed or reproduced shall lie upon the table until printed or reproduced."

Mr. FERNALD of Waldo: Mr. President, I move that the order be laid upon the table.

A viva voce being doubted, a division of the Senate was had.

Three having voted in the affirmative and twenty-five opposed the motion to table did not prevail.

Mr. FERNALD: Now, Mr. President and members of the Senate, I have tried to be fair in this proposition and I consented to waive my rights under the rules to take this matter up earlier in the session and carry on in order that matters might be taken from the table. I have been trying to play fair on this thing and I have been trying to take this budget up in an orderly manner, and the record will show where I have cited authorities that what I am doing here is orderly procedure. The legislature of Massachusetts, one of the finest legislative bodies from the point of view of procedure in the United States, takes these things up in an orderly way and one at a time.

Now, if anyone here thinks they are going to gag Roy Fernald from talking about economy, they have another guess coming to them because I can talk about economy until the next legislative session comes along and when the next legislature meets I will still be here, a duly elected member, and I will still be talking economy. I have tried to take these things up and explain them and give my reasons on them. I have put in real amendments. I have tried to be constructive. I have tried to be reasonable. But after all, I am only one and there are 183 members of the leg-

islature. I ask now for my rights to continue in an orderly manner and not be coerced and hindered. I don't know what amendment I am going to offer as the debate continues. I am ready to indefinitely postpone one of them, as I did yesterday, if I see that I am wrong and when I am wrong I am willing to admit it, but have I heard one suggestion here from anybody that anybody else was wrong but Roy Fernald, and why is he wrong? He is wrong because he is talking economy, he is talking on the question of taxation, and whom does he affect? He affects a little group of people centrally located within a range of fifteen or twenty miles of Augusta who may be curtailed in their methods of living or in what they do or in their job or something.

But we are here to represent the whole state from Aroostook County to York County because it is their money we are spending and if this question of a budget can't proceed in an orderly and frank manner—why, under the Code survey made it was specifically stated, and I stated it in the record because I knew the shinnanigan method was going to be proposed. This isn't the first time I have been in the minority. This isn't the first time they have tried to gag me and it won't be the last time. But if they get away with it, it will be the first time they ever have.

Now I am talking on the subject of decreasing this appropriation. Some of you don't like it, but I can't help that. I didn't come around and ask you to like it. I didn't draw up the budget. I didn't recommend the budget. I made 13 suggestions, along with some others, and you adopted two of them although you said they were radical and wrong. Well, what did you do it for if they were radical? Why didn't you vote against them? I didn't ask you to vote for them. I don't ask you to vote for anything now. If you don't like what I propose, sit right there and do nothing just the same as you have for the last three months, but there will be no need of your going home because they can hold an election without you.

You came over here and restricted the plans in Gouldsboro or Isleboro or Bohunk or somewhere and you waste your time twittering about whether you are going to have one

clam or three clams, and what difference does it make?

The whole nub of this thing is this 10 million dollars and I am not going to sit here and be gagged on anything. I am willing to play ball and go along and confine myself to the rules of the Senate. I waived rule 25 on page 11 of the rules of the Senate this morning out of courtesy to some of the members.

Now, let's get down to business and slice off a million and stop this fooling around and trying to see who you can get to put a tax on and then shove on an emergency and stick it right down their mouth so they can't holler; and that is just what you are trying to do to me but you can't get away with it.

Now, you put me on the table on this proposition and I will talk all summer on economy, and I won't miss any words either. If the Republican party wants to make the issue economy and Roy Fernald, we will make it. Look back on the record and see the things you have put through here. What have you done? You have increased the amount of money for every one of your political henchmen. What have you done it for? Oh no, we weren't doing it to be reelected. Oh no. Did I take a crack at that? Did I care whether you increased the clerk hire down in Oboe county or the judge of probate or anything like that? I let you get away with your pet measures but when we come to something fundamental that involves millions I think it is time to stop.

Now, go ahead. Put this thing through. Stop economy. Crowd me down. Make it just as difficult as you can for me. Go ahead. But you will get the answer next year and when we come back here I will be carrying the banner of economy at the head of the list, and I will be right in this Senate too, so don't misconstrue that. And you will listen, too, and you will listen to plenty and you will take it and you will like it. Now, go ahead, pass your order, but when the vote is taken I ask for a roll call.

Mr. WILLEY: Mr. President, I was once trying a case before the Public Utilities Commission and every question that was asked by the opposing counsel I objected to. I knew what I was doing. I knew he didn't have his case prepared right although he was supposed to

be a great authority on public utilities and one of the commissioners said to me:

"Do you think we want to sit here all day and hear you object to these questions?" And my reply to him was, "Your job is an appointive job and I think if you don't like to sit here and listen to me defend the rights of my client, the Governor will be only too glad to appoint someone to take your place, and there will be ten thousand ready to take your place." Now, if there is not any member of this Senate who has sufficient interest in the affairs of this state to sit here and have such members as Senator Laughlin put in an amendment which will reduce the budget a quarter of a million dollars in the biennium, or any other proper amendment that is put in here, I suggest that they resign and go home because their interest in the affairs of the state is so damn limited that they shouldn't stay here anyway.

Now, I was in a position once in this legislature where I felt as though I were a prisoner before the Bar, but today I stand here as a representative of the people and I am going to fight for every measure of economy that comes in here so long as they don't wreck the department they affect and so long as those departments can continue to function. There is one department in this state that I can not recommend to cut any. It is the one that most vitally affects the state of Maine and one where the most waste exists, the one that none other than Senator Sewall spoke of in a caucus. Because that is too comprehensive for me, at least, to discuss. But in that department I have every belief that the Governor and Council will make a saving of from \$350,000 to \$500,000 a year, with proper business management and every one of you gentlemen who know anything about that department know the department I mean if you attended that caucus.

Now, you aren't going to gag me either with this rule. I am going to offer amendments if I write them in longhand, and if the Senate wants to pass the order I shall keep on writing them. Senator Laughlin put hers in here and she didn't go to a printer and have it printed. If you want to go on that rule, go to it, but I shall keep on putting any amendments of mine in under

suspension of the rules and out of order.

Mr. WENTWORTH: Mr. President, I didn't introduce this order with the idea of gagging any Senator. It hasn't been proved to me yet whereby this order would gag anyone. They have been working under this order in the other branch and I read the records once in a while. I can't find where anyone has been gagged, but we are dealing here now with some very important legislation. I simply introduced this order so that the Senators here would know at least three minutes in advance what was coming up before them.

Mr. WILLEY: Mr. President and members of the Senate, if you will follow the budget you will find that every one of them has been taken up in an orderly fashion as they appear on the budget and if you will just follow that you will see how they are coming right along.

Miss LAUGHLIN: Mr. President, as I remember this order it didn't read "printed". I would like to inquire whether that is the meaning or intention of the ones who offered it or whether it simply provides for a copy of it to be put on each desk.

The Secretary again read the order.

The PRESIDENT: The question before the Senate is on the passage of the order and the Senator from Waldo, Senator Fernald, has asked for a roll call, which requires the affirmative vote of one-fifth of the members of the Senate.

A division of the Senate was had. A sufficient number having obviously risen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA: Blanchard, Burkett, Chase, Graves, Hussey, Littlefield, Martin, Owen, Sewall, Wentworth, Worthington—11.

NAY: Ashby, Beckett, Cook, Corrigan, Deering, Fernald, Fortin, Friend, Goudy, Kennedy, Laughlin, Lewis, MacKinnon, Mallar, Marden, Osgood, Potter, Spear, Tompkins, Walsh, Willey—21.

The PRESIDENT: Eleven having voted in the affirmative and twenty-one opposed the motion of the Senator from York, Senator Wentworth, that the order receive passage does not prevail.

On motion by Mr. Willey of Cumberland,

Recessed until two o'clock.

After Recess

The Senate was called to order by the President.

Mr. Fernald of Waldo offered Senate Amendment "K" to Legislative Document 899, and moved its adoption.

"Senate Amendment 'K' to L. D. 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 reducing the appropriation for the Maine Development Commission from \$200,000 each year to \$100,000 each year."

Mr. FERNALD: Mr. President, if we look at Document 899 at page 6, we find under the heading of Maine Development Commission, there is appropriated \$200,000 each year, and there is also this statement made, "There is provided in this appropriation for the year 1937-38, \$20,000.00 for the New England Council, as pledged by the last administration; \$25,000.00 each year to be set aside for the state's participation in the New York World's Fair in 1939, and \$50,000.00 each year for advertising industry, agriculture and products of the sea."

I want to say, before I continue any further on this matter that I do not know of any appropriation that I regard so much the necessity of opposing as I do this one, due to the fact that the sponsor of the measure in behalf of the World's Fair is one of the finest and one of the fairest members of this Senate, and a man I have known for a great many years and have the highest respect for, and if it was not for the fact that the appropriation is so large and I feel it is a point where perhaps friendship should not entirely govern our wishes on the thing, so I have had to bring this matter before you for discussion.

Let's look at the record in the matter. Now, the Maine Development Commission—there is no doubt they are doing a good piece of work. They have done a good piece of work in the past with a lesser appropriation and they would probably do a great deal more if we increased them to \$400,000 or \$500,000, but it is a question of policy for this legislature to discuss, whether or not it is to be our policy to expand this phase of our governmental activities at this time, faced as we are, by the financial condition

of the state, as outlined by our governor when he says that the financial condition of the State is grave. It would seem to me under those circumstances we have got to, as the Senator from Androscoggin, Senator Fortin, pointed out this morning, we have got to proceed cautiously and perhaps this is not the time to proceed in this activity, but hang to the status quo.

Now, one of the functions of the Maine Development Commission is to bring into Maine, people to spend money here to develop our State. Well now, if by increasing this appropriation of the Maine Development Commission to \$200,000 a year we necessitate the imposing upon the people of Maine of an additional tax burden, I think we find ourselves in a more or less ridiculous position. I think if that \$200,000 we can save here, if that should be the last straw that would determine whether or not we impose additional taxes, or we do not, it would seem to me we were killing the goose that layed the golden egg. There is a place here where we have to stop and consider. It may be that this \$200,000 we might want to keep in, and it may be there is \$200,000 somewhere else we might want to clip off. \$200,000 is a lot of money. I am not arguing about what they are trying to do because I am in full accord with them. No doubt they make mistakes, and probably they will admit it. No doubt they can improve. I do not think they will criticize that statement.

But, let's see what we have done in the past for them. In 1928 they had \$50,000. I am not going to read all the figures. In 1929, \$74,000. In 1930: \$69,000. 1931: \$73,000. 1932: \$83,000. 1933: \$68,000. 1934: \$61,000. 1935: \$71,000. 1936: \$94,000.

Now, we are in one way or another more than doubling the appropriation for that activity or that function or that phase of our government. That is quite a jump. It is quite a jump, in consideration of the financial situation, in consideration of the budget and in consideration of the tax situation, when you know you are faced with the problem of cutting or taxing.

Now don't you see that it is the function of the legislature at this phase of the budget to determine the policy of the people for the next two years? That is why this matter should properly come before

you at this time to determine what is to be our policy. It isn't something the Governor and Council should decide, or for the Maine Development Commission to decide. Because if you give them \$200,000 to spend it is their job to go ahead and spend it the best they can and do the best they can to advertise and influence people in the best interests of the State of Maine. If you gave them a million dollars they would spend it and they would not deny they would spend it, and the same would be true of two million. It is entirely a matter of policy, the policy we want to determine. If we want to carry it on and double their appropriation, more than double their appropriation, I think we should have an understanding that by doing that we are not going to create a situation where we are going to impose additional taxes.

Now I think we all agree probably it might be well to continue and encourage this department, if by so doing we were not increasing the tax burden, by levying new taxes. You have got to justify this increase by the imposition of new taxes. Do you think for a minute you can go back to Aroostook County and justify a doubling of the appropriation for the Maine Development Commission and imposing a sales tax or income tax or jointly, when in this very legislature you said to Aroostook farmers, "If you want to advertise Aroostook potatoes, you have got to chip in \$100,000." We have got to get away from some of these propositions like the Augusta airport, where we run a personal garage for people.

Our governor has pointed out to us that the action which this legislature takes, and I am paraphrasing his remarks, will point to the future of Maine, will determine the future policy, and will have great effect upon the future generation.

Well now, the matter is simple. There is no argument about it. It is just how you feel about how the policy of the State should be developed, how it should be determined. Of course, if you are going to develop this for industry, agriculture, products of the sea, there are things you should add on. Future legislatures will add on and add on. You have got to stop somewhere. It is the job for the legislature to draw the line. That is why this matter is properly before this leg-

islature to contend with. It is a matter we should discuss pro and con. They should point out to us what they have done with the \$94,000, what developments they have made, and perhaps we will want to continue. There is no way of discussing the thing on the floor of the Senate unless someone brings in an amendment. You cannot get up and say, "I would like to know about this or that". I do not try to superimpose my judgment upon the judgment of the legislature, but I brought in something I thought was reasonable, and of course, what I was basing it on was the background of previous history of what we have done for the Commission. I have granted them under my bill more than they ever received before. There are no figures on this chart to show where the Maine Development Commission has ever gone into three figures, where it has gone into \$100,000.

Now, mind you, I have no personal interest in this except to protect the interest of the taxpayers as a whole. I have no property I want to sell, and no development I want them to sell for me. It is a question for us to determine in our own minds what we want to do. It may be some other members have some amendments to change it, or to reduce it. I am not going to quarrel with this Senate. What they want to do is all right with me, but I think it is a mistake to more than double the appropriation under the financial situation as it exists in Maine today. That is the point I want to raise in connection with the Maine Development Commission.

Mr. ASHBY of Aroostook: Mr. President, you know the gentleman from Waldo, Senator Fernald, keeps me guessing. Sometimes I think he has more in his head than a fine toothed comb will take out, and sometimes I am in doubt.

Mr. FERNALD: I suggest the Senator is out of order.

Mr. ASHBY: I humbly apologize to the Senator from Waldo, Senator Fernald. In the first place, he has a chart which I think must be about 25 years old because last year the Maine Development Commission had \$125,000. I do submit that advertising must pay or all the big firms in the country would not spend so much for advertising. He (Senator Fernald) says it is spent to bring people to the State. Not

altogether so. Last year we spent money for advertising Maine food products and we got liberal returns. This year, \$50,000 of this is to be spent to advertise Maine at the World's Fair. I think every State in the Union will spend as much or more than that and think it is money well spent. The State of Idaho alone spends \$200,000 on advertising potatoes.

He asks how I am going to justify it if I go back to Aroostook and say I supported this bill. I will say, "You appropriated pretty near that much by putting a cent a barrel tax on potatoes to advertise Maine potatoes" and I do not think they will have a word to come back at me with. We have never had any great amount to advertise agriculture before, but we did get amazing returns on what we spent last year.

I am surprised that any man—and I am not referring to the Senator from Waldo, Senator Fernald, because he objects to it, but I am surprised and astounded that anyone would think that advertising did not pay, and I think any man in the Senate and any of the spectators will say the same thing. It pays immensely. They tell me a two page advertisement in the New York American costs \$24,000 and you see it often devoted to advertising safety pins. They know it brings returns. I hope the motion to adopt this particular amendment will not prevail.

Mr. WENTWORTH of York: Mr. President, having been a member of the Maine Development Commission three years, and being a member of the Appropriations Committee, it falls to my lot to defend this measure. At the outset, I cannot see how any man who spends \$74.00 in stamps, of the government's money, could make the argument against this appropriation. I refer to the Senator from Waldo, Senator Fernald. He must believe in publicity.

In speaking about reducing the proposed appropriation of the Maine Development Commission I wish, at the beginning, to remind you that very often injudicious economy is the worst form of extravagance.

It is my firm belief that to undertake the highly important work that is ahead of us that the Commission needs every penny that has been recommended for its use. I further believe that if the proposed

appropriation is reduced that it will interfere seriously with the work of the Commission and will mean a large financial loss to every citizen of Maine.

As you know, it is the duty of the Commission to advertise the recreational, agricultural, and industrial advantages of Maine.

We are all concerned with one or another phase of these activities here in Maine. From the humblest of us right up through the line we make our livelihood through one of the industries noted.

You may well ask why Maine should advertise. I think that I can give you the answer.

You will all subscribe to the statement that we are living in an extremely competitive age. We must either "sell" our state and its products to the people of this nation or lapse into a state of poverty.

Would you willingly stand by and see our farmers labor unsuccessfully to obtain a comfortable living because we are not enlightened enough to help them build up new markets for their products? Would you see our commercial fishermen starve for the lack of a little aid in helping them merchandise the foodstuffs they garner from the sea?

Do you think it would be in the interests of economy to let our \$95,000,000 recreational industry lapse into nothingness?

None of you can doubt the value of advertising. You see too much of it around you and you know that no product can hope to survive in the future unless it is advertised.

Here in Maine we are one of the pioneers in recreational advertising. Our success in calling the attention to the vacationing public of our state's many charms has made us the envy of other localities. But you may say, "Well, if this is so, why don't we just rest on our laurels?"

I'll tell you why we can't. In the last ten years numerous other states and provinces have suddenly realized that they too, could follow the lead of Maine and perhaps garner some of this valuable recreational business. Pennsylvania, for instance, is seeking to appropriate \$500,000 for the advertising of its advantages. Michigan, Wisconsin, New York, Massachusetts, Colorado, Canada—all are making a determined bid for the vacationer and, in most instances, are spending far more than are we.

It will be wonderful news for these vacational regions if they hear that we have slashed our advertising appropriation. I think that they will pity us a little, perhaps, but that won't stop them from grabbing our business away from us.

How much does the money appropriated to the Maine Development Commission cost our citizens? I will answer that by saying that it doesn't cost them a penny. I will go further than that and say that for every dollar that is spent in advertising comes back accompanied by hundreds of other dollars.

The money that will be appropriated for the Commission's use will become available in July. Thirty days or less after that this money, and more, will be returned to our coffers from gasoline taxes alone paid by out-of-state people who are attracted here by our advertising.

Right along that line, I want to give you some figures. Last year in the six vacation months, the State took in in gas taxes alone the sum of \$3,440,509.84. In the non-vacation period, \$1,883,849.53, which makes a difference of \$1,556,660.31. So there you see the money comes back in gas taxes.

I could talk at length on recreation alone. But let us turn to agriculture for the moment. You can well say "Why should we advertise agriculture, we never have done so in the past?"

The answer to that is that other localities have never done so—but they are doing it now.

Ask your friends among the farmers if competition from other regions is not cutting into his business. Go in your stores and see the products from other states that are coming right in our front door competing with the products of our own farms.

The farmers of our state well understand the situation even if some of us here do not. If you want to find yourself unpopular with our forward-looking agriculturist then tell him that you voted not to help him sell his products because you thought it good economy.

Let us turn now to commercial fishing. Do you know that our fishermen are being forced to compete with fish products from as far away as Japan and Africa? Do you think it worth while to help our men who go down to the sea in ships to compete with this problem or do you

think it good economy to let Maine fishing just fade out of existence.

Here in Maine, if Maine agriculture and fishing is to survive, we must help work out means of advertising, merchandising, and packaging these products so that new markets will be created and old ones stimulated. Maine agriculture and fishing can go forward to new heights or can lapse into poverty—it is up to you.

You can well ask how efficiently the Maine Development Commission is operating and whether or not its appropriation is top heavy.

I will say that as regards efficiency we welcome any survey that you may care to make. You will find that our overhead is extremely low—that our budget is always balanced and that we never exceed our appropriation. You will find that the publicity section of the office is operating at a cost far below any publicity organization in existence. You will be interested to know that the Maine Development is so highly regarded that its policies and methods have been widely copied throughout the country.

Now as to our appropriation. In a survey published a short time ago it was revealed that the most successful manufacturer of a brand of canned goods feels that to operate efficiently 5% of its gross receipts should be spent in advertising. This company is one of the oldest in the country and its successful methods have been widely copied. On this basis, and figuring on our \$95,000,-000 recreational business, the Maine Development Commission should be spending \$4,750,000 a year in advertising. Ridiculous? Well, the Campbell Soup people don't think so and they have been doing fairly well I am told.

And so, instead of spending 5% for advertising we are spending only 1/10 of 1 percent. Perhaps we are right and the best brains in American business are wrong but I think that the unbiased person might seriously doubt it.

And while it may seem a digression to mention it, I would like to comment on a proposal that has been made to consolidate the Maine Development Commission with other departments. I think that this is just as logical as to suggest the consolidation of a boiler shop and a beauty parlor. It is just as logical and would be just as extravagant.

Other departments exist because

of their facilities for conservation, propagation, controlling, or improving of the state's business, social, or natural life. The Maine Development Commission is concerned chiefly with inducing persons or money to come to Maine. There is no comparison or analogy between the duties of the Commission or any other department.

We have proved in the past in the Maine Development Commission that we have operated efficiently, economically, and profitably. We feel what I think is a justifiable pride in the work that we have done.

We have laid before you the reasons why an increased appropriation is urgent at this time—to give further aid to our farmers and fishermen and to ward off the attacks that other sections are making on our recreational business.

As I have said, there is not a citizen in Maine that has not benefited from the efforts of the Commission. We have proved that it is possible to bring new business to Maine by means of advertising and publicity.

If you think it is the wishes of the people of Maine to effect so-called economies by ceasing to induce people and money to come to Maine then it will be wise for you to vote for a cut in the proposed appropriation for the Maine Development Commission.

If, however, you are against this penny wise-pound foolish idea then I ask you to vote with me for a greater prosperity for our state and a relief from our tax burdens which can be brought about by selling our products and natural attractions in the markets of the country.

Now, in closing, I want to read an editorial which comes from a paper that has been talking economy all winter.

"It is significant of the straight thinking that, for the most part, has characterized the work of the present Legislature that its Appropriations Committee, while cutting estimates in many instances has provided for the largest increase in appropriations to the Maine Development Commission. We are aware that some readers who may have noted the position of this newspaper in its stand for economy will find it easy to poke the finger of scorn in this direction and allege that the Press Herald, too, has its pet projects and wishes to econo-

mize anywhere but with them. That may sound like a true impeachment; but there is this difference. The Maine Development Commission is a true and tried asset to the state; it has very largely been responsible for important benefits to the recreational and other industries; it is, we believe, indisputable that every dollar spent in Maine publicity by the commission flows back multiplied many times into the coffers public and private of the State.

"For this reason, an appropriation increase for the Development Commission can be one of the most important adjuncts to economy if not economy itself. Whatever stimulates business in this state adds to the store of available cash out of which to pay taxes that the state may vote. To add \$75,000 to the Development Commission's funds, although \$20,000 of that amount is to go to the New England Council for its general New England publicity fund, may easily make such new taxes as the Legislature may levy less galling. In any event, the increase in the size of the appropriation is but the application of sound business judgment to state affairs. It must be hoped that the only change permitted in the Legislature's action upon this proposal will be to increase still further the sum of money made available for state publicity. If this be inconsistency, it is, no less, good sense."

I hope that the amendment offered by the Senate from Waldo, Senator Fernald, will not prevail.

Mr. Willey of Cumberland presented Senate Amendment "A" to Legislative Document 899 and moved its adoption: "Senate Amendment A to Senate Amendment K to Legislative Document 899. Amend by striking out \$100,000 as appears in said amendment and inserting in place thereof \$150,000."

Mr. WILLEY: Mr. President, the Senator from York, Senator Wentworth wants to see one citizen of Maine that never benefited by any efforts of the Maine Development Commission, and I ask you to look at me because I never have and there are a thousand others in my district that never have benefited and never can benefit one dollar by this commission, although I do not overlook its value. But the commission claims, I believe, all too much credit on this proposition. The Maine Development Commission

has nothing to do with our rugged coastline that attracts thousands and thousands of people here and more than any commission or amount of money you could spend, our rugged coast line has attracted people here. And they have been attracted by the cool breezes of the summer that are found in no other place in the United States.

It is interesting to hear a member of the Senate get up in defense of the commission and cite case after case of states that have been spending money for advertising and then opposing another measure where numerous other states have been cited in support of that other measure; on the one hand set the states up in defense of his issue and ignore them on the other hand in defense of the other issue proposed.

I believe that this \$25,000 for the state of Maine to be spent at the World's Fair in New York is one of the finest things that this state can do. I believe that to that extent the appropriation should be increased to \$150,000 but under our present stringent financial condition I think we should go no further. If I were in the hotel business or overnight camp business I should probably want \$300,000 appropriated but for the farmer who works in Falmouth or in Cumberland, or the carpenter who works for a day's pay, whatever we do never helps him any and only puts new taxes upon him. He can't benefit in any way by it because the people who come here don't use his commodity or his labor.

I urge the adoption of Senate Amendment "A" to Senate Amendment K to Legislative Document 899.

Mr. WENTWORTH: Mr. President, I feel that the Senator from Cumberland, Senator Willey, is not very well informed. Certainly five million dollars in gas money when broken down and sent all over the state will not help everybody in the state.

Now, he speaks of the coast line. We have ten thousand miles of coast line but if you haven't any money to tell people about it what can you do about it? We want to benefit everybody in the state.

Mr. WILLEY: Mr. President, in answer to the Senator from York, Senator Wentworth, just as an example, the fallacy of claiming that whatever sum he said of gas tax

can be credited to any money spent by this development commission, it is as erroneous a statement as could be possibly made. There is no way of allocating the benefits which are received from the efforts of this commission. I think they spent \$50,000 this summer with one advertising agency in Philadelphia, if I am right. No one knows from what source Maine attracts its people. There is no way of ever balancing that, and no way of giving that credit to the Maine development commission or to anything else. It may be a dream that brings someone here, as well as the Maine Development Commission. They don't claim all of this.

We are willing to go along and help them reasonably but to lay additional taxes at this time, well, I think we had better hesitate quite a while before we appropriate any more money than we did last year with the exception of the \$50,000 for the New York World's Fair, which I think is a mighty good thing.

MR. WENTWORTH: Mr. President, on top of the \$50,000 coming out of the appropriation is also \$20,000 which was pledged by a former administration to the New England Council and we feel in duty bound to pay that because New England Council had gone along doing their work in anticipation of getting this money. Now perhaps some of the members don't understand about this publicity. I have a couple of scrap books here with pictures of the boys' and girls' camps and other Maine attractions. Over in Lewiston, I think everybody has heard of Jim Fox. He has a boy in one of these camps and our publicity man went over and took his picture and just to show you how many papers that got into throughout the country, you can see these that I have here, there are all these pages, and each one is from a different paper. Here is one advertising the fishing here in Maine. I just offer that as a suggestion as to some of our means of getting people Maine minded and on top of that the question was brought up here that we are getting people so Maine minded now that they are coming in here and buying up our farms and taking up their residence here and I think if we keep away from an income tax they are going to continue to do it.

MR. FERNALD: Mr. President, I have been quoting figures here for

several days from this chart and I got into a little disagreement here but I am sure that the ranking member of the Appropriations Committee, Senator Wentworth, or Senator Hussey, can explain the difference in the figures of Senator Ashby who was speaking the way he felt about it and extemporaneously and not giving us any canned speech that was paid for by the state. I have a chart here which is headed "Cash Expenditures, State of Maine," and this was furnished to me, or loaned to me, by Mr. William H. Deering who is the state budget officer. Now, his figures, which may be wrong, say that for the year ending June 30, 1934, the amount was \$94,547.61.

Now, I just want to get the records straight, that is all and I think if you will look at your Maine State Budget Report for 1937, a copy of which Senator Wentworth has so kindly committed to me, that that is pretty nearly taken care of right there. So he has got a double check on it.

Now, in that part of Senator Wentworth's speech that wasn't prepared there was a little mention of some stamps, \$78, that have been used this year. Now, the Senator isn't fair about that because the amount used was \$79.75 and they were used by the Judiciary Committee of which I was chairman and if he would have some member of the research staff of the Maine Development Commission check that over he would find that two years ago the Judiciary Committee used \$78. Now, if there is any quarrel between the \$78 and the \$79.75, so that there won't be any more fuss about this, I will be glad to contribute the \$1.75. I think that straightens the record out on that. I thought it was coming so I was just prepared for it. Now, we can put that back in the morgue until somebody else thinks of it.

Now I would like to ask the Senator through the Chair, if I may, the date of the editorial in the Portland paper which he quoted, if he will please answer.

THE PRESIDENT: The Senator from York, Senator Wentworth, may answer through the Chair, if he desires.

MR. WENTWORTH: Mr. President, I can not give the exact date but it was within the last two weeks.

MR. FERNALD: I thank the Senator. Now, you know, it is really

laughable. You know, one would think that modern history began in 1928 with the creation of the Maine Development Commission and that hereafter on all of our official documents we should put, "In the year of our Lord, 1928 M. D. C." Now, I think that everybody will agree that any department if you ask them to prepare statements as to their activities they will always state their case at least 100% and some times, just the same as you and I, we overstate our case. Now, I was interested in the scrap book. They are prepared, as I understand, by people who are well paid for preparing them and as a matter of public finances, to try to justify a lot of scrap books that cost money for the material in them and for their being prepared and bound, and so forth, how are you going to justify the sales tax or an income tax or any increase in taxation by saying, "Well, this is what we have done for you on the one hand and here is a sales tax. Now you take them both and like them both." When as a matter of fact the man back home doesn't like either of them because you can't eat the scrap book or buy groceries with the money that you pay the state.

Now, I think that the matter has been fully presented before this committee and when the vote is taken I would like to ask for a division.

Mr. HUSSEY: Mr. President, I would like to make a very few remarks concerning this appropriation. It so happens that I was on the budget committee before which the development commission came in the last month of last year in which they asked for an appropriation of \$200,000. At that time we were economy minded, the same as we are now, and we felt that we should skimp and cut them as much as possible and we set them up \$125,000 which was \$25,000 more than they had had over the previous two years as far as their state appropriation was set up by the legislature for those two years. Since that time items have come to our attention which should have been taken care of by some measure and rather than set it up under a department of its own and not having anyone in whom we could place our utmost confidence in carrying it and effecting the most wise expenditure of the money set up for some new venture we decided to put it under the Maine Development Commis-

sion. We have found in the past that they have operated at a very low net cost from what other states are doing and that they are making a very valuable contribution for the resources and revenue coming into this state.

The first thing that came before our appropriations committee this year was the sum of \$20,000 which we found that a former governor had promised the New England Council and rather than go back on the promise we set up that amount.

Now, the New England Council is a group of persons who are advertising the New England States as a whole, and Maine being one of that group was asked to go in, and the promise was made and we felt it should be carried through.

Now another bill came before the legislature asking for \$50,000 for the participation by the state of Maine in the World's Fair at New York during the year 1939. We went over the proposition at a hearing and we had a meeting in the Senate Chamber in which both houses were asked to join and it was brought out that the benefit derived from the Fair would react in a great measure to the benefit of the state. We found that a certain part of this money was set up in advance because activity has already started on the site for this World's Fair so we decided to set it up over a period of two years so that we could take care of the first instalment and that was taking \$45,000 over the budget estimate set-up.

Then there was a bill to increase the appropriation of the Maine Development to \$200,000. After having had several hearings and the bill being discussed at least three times, it was decided that we should set up an extra \$25,000 over and above the budget recommendation.

Now, we know that advertising pays and we know that it costs money. The \$150,000 to be exact, set up for the next fiscal year included \$50,000 for the advertising of agricultural products and products of the sea. Now the lobster industry in our state has been falling off at a very alarming rate and we feel that we should interest more people in our products of the sea. We also took into consideration that our agricultural products were not getting the right deal over the country and we decided that they should be given a break so that the demand for those products could be increased. We

took those things into consideration and added \$25,000 to the appropriation making a total of \$200,000 and we also included consideration of advertising the rugged shores that we have already heard about. And the set-up for the World's Fair at which millions and millions of people will probably file by the space allotted to the state of Maine will probably take more than the \$50,000 as set up and the Development Commission can if they see fit take some of their appropriation and use it for that benefit. So I really think that this appropriation of \$200,000 should not be all charged against the Maine Development Commission. These are changing times and we have got to make a beaten path before us and we can do that by putting ourselves out in front of the line instead of dragging along behind.

Miss LAUGHLIN: Mr. President, I wasn't in favor of the amendment presented by the Senator from Waldo to cut this to a \$100,000 but I am in favor of the amendment which cuts it to \$150,000 and if it brings in the people that \$50,000 will be well spent. I have long felt that if we did a little more of that kind of advertising and less of the ballyhoo kind of "Come to Maine because it is like Switzerland," or something it would be better. And it is just a matter of competition in advertising in every state and this "Switzerland in America" is just a form of competition in advertising. I believe that the scenery of Maine as we read about it in the magazines gets known that way and I would like to save the money to use to advertise the products of Maine, the potatoes and other things. I wonder how much Switzerland spends each year to advertise their scenery? Well, I can answer it. Not one sou, or one copper, if you like that better. Because the scenery of Switzerland advertises itself and we go there for that reason.

There is one thing I have never dared suggest that we do in Maine, as they do in Switzerland to attract tourists. On every bill in every inn, in every hotel, in every pension, there is a franc additional charged for the use of the roads by the tourists. They aren't begging tourists to come. They have the scenery which makes it worth while to come. We have the scenery here in Maine, too.

I do not think we need this money for the ballyhoo advertising that every other state has. Certainly \$75,000 is enough to spend that way. I do not think it is the time, when we are struggling to meet necessary expenditures—I do not think it is time to increase this appropriation. I will say that I am mighty glad to see it used to advertise our products and that still stays in the bill.

It is amazing how it has grown. I remember when they asked for \$25,000 appropriation and they had a hard time to get it, but it has grown and grown until it almost overshadows. I hope it will get the \$150,000 to permit the advertising of the products of Maine and permit, certainly, sufficient money for advertising. As I say, the world knows about our scenery or you would not read in every story you find, how they are heading for Maine and Maine scenery.

Mr. WILLEY: Mr. President, in answer to Senator Hussey, the Senator from Kennebec, he said that the rest of the world knows nothing about our fish products. There isn't a person in the Senate Chamber who reads the Saturday Evening Post who hasn't seen the advertisements of Burnham & Morrill and their fish products and vegetable products and their baked beans. Don't let anyone think our products went unadvertised until the Maine Development Commission came into effect. My opinion is it doesn't amount to very much and never will, although I would not oppose this amendment, \$150,000, because I know we have got to reasonably keep pace with the competition. But no one can say our fish products have been unadvertised, because in the magazine with the largest circulation in the world they are advertised by a firm such as Burnham & Morrill.

I certainly hope that Senate Amendment "A" to Senate Amendment "K" to Legislative Document 899, receives adoption.

Mr. ASHBY: Mr. President, perhaps what he says is true, but the Maine potato has been heralded to the world for 25 years; still last year we got the appropriation of \$50,000 for agricultural advertising and we of Aroostook County were absolutely sure we got great benefit from it. So much so, that 20,000 farmers asked the legislature to impose a tax on ourselves of what will amount to over \$100,000. If the whole State of Maine cannot afford \$50,000

more than the farmers of Aroostook County, that is—well, all right.

Mr. WILLEY: Mr. President, I would like to ask a question through the Chair of the Senator from Aroostook, Senator Ashby.

(At this point the Speaker of the House entered the Senate Chamber and was escorted to a seat at the right of the President.)

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

Mr. WILLEY: When in your town and your hotel, brokers were tearing their shirts off their backs to buy potatoes for \$10 or \$12 a barrel, was the Maine Development Commission in operation?

Mr. ASHBY: No, but the Lord was, and he had curtailed the crop.

Mr. WILLEY: Now, I would like to ask another question. Do you think the Maine Development Commission will take the place of the Lord?

Mr. ASHBY: When He doesn't see fit to cut the crop, why—they boost our product.

Mr. WILLEY: The answer is, the condition of the Aroostook farmer has been one of the biggest gambles in the world. Their prosperity is entirely due to the laws of demand and supply, and the Maine Development Commission hasn't much to do about that, and never did have and never will have, and the market price of potatoes has been governed by it. He admits, himself, when they were selling potatoes at \$10 or \$12 a barrel the Maine Development Commission was not in existence.

Mr. ASHBY: We will concede a lot that Brother Willey says. I know he knows a lot. But last year, despite the fact that we had been on the map a long time, under the advertising we got from the Maine Development Commission, \$35,000 was from advertising to buy Maine potatoes in pecks. That was entirely due to Maine Development Commission.

Mr. WILLEY: The Senator from Aroostook, Senator Ashby, understands that we do not oppose reasonable advertising that the State can afford under our present economic conditions.

Miss LAUGHLIN: Mr. President, I want to call the attention of Sen-

ator Ashby that the amendment does not touch this portion of the bill. What it would cut is the other kind of advertising. Unless they have changed in other states, they do not take public money for the advertising. It is done by private organizations like the Maine Publicity Bureau, for instance, and the question is very serious to me, whether we should spend the taxpayers' money for advertising and whether these people in business who profit by it should pay for the advertising.

Mr. ASHBY: Mr. President, I would like to ask the lady member from Cumberland a question.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, wishes to ask a question through the Chair of the Senator from Cumberland, Senator Laughlin, who may answer if she so desires.

Mr. ASHBY: Since this money has been allocated to these forms of advertising, and if we cut this \$50,000, is there any assurance that the agricultural end of it will not be cut with the rest of it?

Miss LAUGHLIN: I had thought of amending it this way, leaving a part of the bill which was left to the Governor and Council, that there would be \$50,000 for products. I believe it is time to cut down this advertising of fishing trout out of the lakes. Everybody knows about it now and we should begin to see this. I would be glad to see this provision for \$50,000 for advertising products.

Mr. ASHBY: If the lady member from Cumberland, Miss Laughlin, can offer an amendment to this to assure us that Agriculture will get its appropriation, with the usual selfish attitude of the Senate, I am willing to accept it.

Mr. WENTWORTH: Mr. President, I think I can explain Senator Laughlin's attitude toward not wanting to advertise to further expand the recreational industry. I think she has on one or two occasions stated that she is opposed to boys and girls in Maine waiting upon summer trade, and feels it is degrading. I feel, however, the boys and girls in Maine have benefited to great extent by summer people coming and they could not obtain an education in any other way, and that is a point that hasn't been brought out.

In answer to Senator Willey: He tried to convey the idea that there

was only a select few who received the benefit of this money. In a survey made a few years ago it was brought out that the industry brought in \$85,000,000, in round figures, and out of that amount summer hotels and sporting camps received \$14,000,000. Sales of groceries and meats amounted to \$9,500,000. Receipts of contractors and lumber dealers around \$4,000,000. Sales of plumbing supplies and services, \$1,000,000. Department store sales \$3,000,000. If Senator Willey wants to find out how people around Portland feel about it, all he has to do is ask some of the department store managers about it. Wages paid to guides \$391,000. Wages paid gardeners, etc. \$1,500,000. There are a lot of figures here. I won't bother to read them all.

Mr. WILLEY: Mr. President, if I may be permitted to speak again—One part of this appropriation I neglected to touch upon is the promise or an act of our previous governor, Governor Brann, pledging the State \$20,000. So far as I am concerned, I do not care what he promised. He cannot bind this legislature or the taxpayers. I know and you know he issued his own checks out of money that either belonged to the state or government to his friends or such people as he wanted to, without any record made of it, here in Augusta. I am not going to follow along with that kind of business. If we have pledged ourselves to pay money, let's pay it, but if the governor and council took over the reins for running the State and disregarded every law on the books in attempting to perpetuate themselves in office. What has happened?

In regard to the statement of the Senator from York, Senator Wentworth, there is not a living man who can trace one dollar of the money he says comes to Maine as the result of this advertising of the Maine Development Commission and you all know it. Not one dollar can be traced. We know when the stock market went down, the people could not buy so much. They could not come here and build camps on our beautiful coast. They could not build camps on our beautiful lakes. They could not come here and fish because they didn't have money. They have come since because business got better. It is not because of advertising but because of general economic conditions of the

country. I do not know how people in the department stores feel about the Maine Development Commission, but I do know how the citizens of Cumberland County feel about more taxes.

Mr. FORTIN of Androscoggin: Mr. President, I would like to ask a question of the Senator from Cumberland, Senator Willey.

The PRESIDENT: The Senator from Androscoggin, Senator Fortin, wishes to ask a question through the Chair of the Senator from Cumberland, Senator Willey. He may do so and that Senator may answer if he so desires.

Mr. FORTIN: Senator Willey, was Governor Brann the only person who promised this \$20,000, or was it the Governor and Council?

Mr. WILLEY: I cannot answer your question, but insofar as my argument is concerned, it makes no difference to me or should make no difference to the Senate. They had no right to do it, just as they had no right to do a hundred other things they have done.

Mr. FERNALD: I have listened with a great deal of interest to the arguments of the Chairman of the Appropriations Committee — citing the fact that Maine had 10,000 miles of sea coast. I am rather glad he didn't see a booklet put out by the Maine Development Commission which gave the fact that Maine had 25,000 miles of sea coast. If he had read it he would be arguing for an appropriation of half a million dollars. So the State has saved \$300,000.

There has been something said about the employment of the youth of Maine in hotels and as waitresses. I think no one need be ashamed of being bell hops or waitresses. I had an opportunity to earn money by being a bell hop in Bar Harbor, and it never did me any harm. On the other hand, we don't want to get the idea we are going to raise our children and their children's children to be a generation of bell hops.

There has been talk about being Maine-minded, as suggested by the Senator from York, Senator Wentworth, and economically-minded as suggested by the Senator from Kennebec, Senator Hussey. Those phrases are very good but couple with them an income tax or a sales tax or any other kind of tax, and what will the summer tourists think of it? What we want to do is cut

this budget and adjourn this legislature and send out word to the tourists, through the Maine Development Commission that Maine is a taxpayer's vacationland. That will bring them in here.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "A" to Senate Amendment "K" to Legislative Document 899.

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

A division of the Senate was had.

Eight having voted in the affirmative and fourteen opposed, the motion to adopt Senate Amendment "A" to Senate Amendment "K" did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "K" be adopted. That Senator has asked for a division.

Mr. WILLEY: Mr. President, I move the amendment be indefinitely postponed.

The PRESIDENT: The pending question is on the indefinite postponement of Senate Amendment "K", and the Senator from Waldo, Senator Fernald, has asked for a division.

A division of the Senate was had. Twenty-six having voted in the affirmative and one opposed, the motion prevailed, and Senate Amendment "K" was indefinitely postponed.

Thereupon, Senator Fernald of Waldo offered Senate Amendment "L" and moved its adoption:

Senate Amendment "L" to Legislative Document 899. "Amend said act by reducing the appropriations for the Department of Sea and Shore Fisheries from \$75,000 per year to \$60,000 per year."

Mr. SEWALL of Sagadahoc: Mr. President, from all this discussion we learn that Economy is a rather fickle dame. She certainly isn't pretty, attractive and alluring, but she is awfully hard to catch. Now, Sea and Shore Fisheries—Sagadahoc—we have quite a coast down there. When I think of my constituents, they apparently have difficulty with the word, economy, too. In other words, I get a very general appeal from them to exercise economy, but I also get a very persistent request from a very substantial group who make their living by the sea, to see that their living, their resources, be given a reason-

able break. Now, I suppose when I say, "Yes, raise this from \$70,000 to \$75,000" I shall be against economy. I suppose that by virtue of this act it will be implied that I am generally and completely against economy, but frankly, because one of us here may, with absolute sincerity, suggest that it is economy to cut from \$75,000 to \$60,000, that doesn't necessarily make it so. Before we know it, we will be arguing on that old proposition that because the cat has kittens in the oven it makes them doughnuts. That isn't so.

Now, there is another way of approaching this problem. When we are in a crisis, when we are on the financial step, as it were, it seems to me we can either go backwards as suggested by the Senator from Waldo, Senator Fernald, we can retrench, or we can go forward. We can try to build up our resources somewhat.

Now, unfortunately, I did not hear the Commissioner of Sea and Shore Fisheries argue for his appropriation. I don't, frankly, know exactly what he is going to do with the extra \$5,000, but I do know from having sat on the Committee on Sea and Shore Fisheries, that we are really trying to develop a policy that will reclaim and protect some of our sea and shore wealth, particularly the sea wealth. It seems to me it is going to take a little money to do that. I have specifically in mind a bill which we have passed which will keep the Massachusetts trollers out during the summer. If we do that our own fishermen should certainly be benefited, and it seems to me if we do that, there will be a tendency to stop the decline in our fish products and give them the time to conserve and grow, but it will take some kind of money to administer a law of that kind.

We have changed the size of the mesh in the trollers. Certainly it will take some kind of warden protection for that. It has been brought out in the hearings that there has been no where near enough warden control to protect the clams in the two inch law. In other words, apparently we still are moving, shipping, digging clams that are too small. Possibly these and possibly others are the reasons that this appropriation is now raised or is suggested to be raised to \$75,000. And frankly if those are the reasons I for one would much rather approach

this problem from a standpoint of making a good investment for the people of Maine than in backing off the financial spot on a program of retrenchment.

There is just one thought that comes into my mind although I don't think that the lobster rearing station is included in this but I do imagine that there is probably some figure for maintenance of that figure. And if that is so, there is to my mind, a development which obviously will return a way out of proportion the amount put in by the state. In other words, I believe it can be shown by those who know more about it than I do that by establishing such a lobster station you can definitely stop the downward trend of this business which some years ago, I think, was somewhere around two million dollars gross and is now, I think, less than a million, and you might build it back to two million.

And if for the expenditure of a relatively thousand you can make a million and can help a group that in my mind deserve help and if you can rebuild natural resources that have been depleted, it seems to me it is the wise way of approaching an appropriation of this nature.

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

The PRESIDENT: The Senator from Cumberland, Senator Willey, may ask his question through the Chair and the Senator from Kennebec, Senator Hussey, may answer through the Chair if he so desires.

Mr. WILLEY: Senator Hussey, in the appropriation as set up by the Committee, \$75,000 for the biennium, is there any sum included there in connection with the maintenance or construction of lobster rearing stations?

Mr. HUSSEY: I might say, Mr. President, that a certain amount is set up there for seed lobsters in that appropriation which we believe could be used for maintenance of that rearing station.

Mr. WILLEY: And is there another measure pending, to your knowledge, appropriating \$20,000 for lobster rearing stations?

Mr. HUSSEY: There is one in committee.

Mr. WILLEY: Do you know how that is going to be reported out?

Mr. HUSSEY: I don't know, but it is not usually the custom to ask

how a committee is going to report before the report is turned out.

Mr. WILLEY: Thank you, Senator. I think the answer to this question is first that the Sea and Shore Fisheries Department operated for almost twenty years, with the exception of one or two years, on \$60,000, and they can do it now. In the matter of the appropriation for the purchase of seed lobsters, I think the Senator will agree that at the hearing, at which I was present, it was brought out that a large sum of money had been spent which was appropriated by this legislature, for the purchase of property already belonging to the state. It is unlawful to take a small lobster or to take a seed lobster which measures $3\frac{1}{2}$ inches or less, I think, from the rear of the eye socket to the rear of the body. And in the last two years state money has been spent buying back from the fishermen such lobsters that they had caught and had no right to catch. And I think that practice is wrong and should be discontinued. So I think that if we cut them down to \$60,000 the department will not be imperilled in any way.

Mr. HUSSEY: I might try to break down this set-up in the appropriation measure for the Sea and Shore Fisheries Department. Of that sum, \$75,000, approximately \$40,000 will be spent in the salaries of the wardens and the commissioner. Now, it has been said today that we need more wardens in order to further the cause of those engaged in procuring a living from the products of the sea, and \$40,000 of that \$75,000 will be spent for that purpose. And there are other miscellaneous bills which will come up in that department, such as mileage, supplies, and so forth, and that will run up to \$12,000 or \$15,000. Also, it has been necessary to buy seed lobsters and liberate them, or keep them so that at the proper time they may be liberated. They pay the fishermen for these seed lobsters that they catch and rather than see the fishermen strip them and sell them we feel that by this investment we are doing something to build up the lobster industry. Possibly you might say that \$13,000 might be used for that purpose. They also have to hire some boats. And they own a couple of big ones of their own which cost money to maintain. That department has also received in the past certain revenues

which they have turned back to the state, so they are returning to the state some money and asking for the appropriation of only \$75,000. This industry is one of the greatest in the state, outside of our potatoes, and it has been on the decline and we feel that we should do something to show them that we are behind them by giving them enough money to function properly. And that is what we are trying to do by giving them \$5,000 more this year than they had last.

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

The PRESIDENT: The Senator from Cumberland, Senator Willey, may ask his question through the Chair of the Senator from Kennebec, Senator Hussey, and that Senator may answer if he so desires.

Mr. WILLEY: Mr. President, I understood the Senator to say that the fishing industry has declined due to lack of proper expenditures. Now I ask you, how do you account for former Governor Brann spending practically all winter in Washington trying to sell a million dollars worth of fish that they had down there in Portland?

Mr. HUSSEY: I can say that I know there are some fish down there but I can't say why the governor was in Washington trying to sell them.

Mr. WILLEY: Well, I simply want to say that there is a surplus of fish in Maine and that Governor Brann spent all winter in Washington trying to sell the frozen fish that are down there in Portland. He went down during the flood and tried to get them to buy more than a million dollars worth of fish but they haven't done it, and I think the Senator's argument about there being a decline of fish in Maine is entirely wrong because we have a big surplus and can't get rid of it.

Miss MARTIN: Mr. President, I don't know much about fish so I would like a little information if Senator Willey will answer a question, and that is, how many of those frozen fish were caught in Maine waters and how many were caught off the banks of Nova Scotia?

Mr. WILLEY: I can't answer that question but I can tell you where to find out. If you can find out how much money they spent to buy these fish you can trace the funds, you

can probably find out just where the fish came from.

Mr. WENTWORTH: Mr. President, just because the Commissioner of Sea and Shore Fisheries is not of the same political faith that I am, I am not going to vote to cut his appropriation and jeopardize his department.

Now, I will answer one question that Senator Willey asked of Senator Walsh about a bill in the committee. That bill is coming out of the committee with a favorable report to build a lobster rearing station down on our coast someplace and it is a much needed institution. We had before our committee a gentleman from Rhode Island who has had a great deal to do with rearing stations down there which they have had for some time. And it seems that in our waters which are much colder than those in Rhode Island the lobster doesn't propagate to the extent that it does down there but even so we have found that that lobster rearing station has the advantage that you can keep them until the 4th or 5th sinking stage, so-called and then distribute them when they are old enough to take care of themselves and won't be picked up by sea gulls and other enemies. Now when the Commissioner was asked about the needs of his department he said that he could probably get along with \$75,000 and at least he was willing to try.

Mr. FERNALD: Mr. President, there is one element about this proposition that we haven't gone into in that if you have several departments in the state of Maine such as the Attorney General's department or the Auditor's department, and such institutions as the Bangor State Hospital and the Highway Department and a lot of others and that when the time comes if there is no more work for the employees they shouldn't give them a rubber pad and say to them, "Go and sit down somewhere and we will send your check to you." They should lay them off, just as you and I do in our business. That was the situation in the department of Sea and Shore Fisheries until the entrance of the Maine politics of the New Deal and the new regime and the tremendous pressure from the employment that existed on my left, and that practice has grown in that department regardless of whether there is anything to do and whether there are

seventeen or seven feet of snow. And I think that should be discontinued. Of course if you give them this \$75,000 they will spend it somehow and they will render a report and tell how it has been spend. There won't be any cash balance at the end of the two year period.

Now I can see and you must begin to realize that this matter of the departmental appropriations has got out of your control. You have no control over it. These departments have gone wild and as yet we haven't said no to anybody. I am wondering what our Governor is going to do when it gets to him. He will certainly have to do some slashing or else recommit the bill.

And I don't know where we are going, building up more and more taxes upon a population that in the last ten years has only increased 4% and building up pyramid upon pyramid of taxation upon property that according to the state assessors has only increased slightly and in some cases has really decreased.

I think I have slipped there, but I have my figures right here. The figures on the valuation are \$661,000,000 in 1936 according to the Maine state valuation of 1936. The nearest approach to that valuation is 14 years back, or in 1922 when it was \$672,000,000.

Now, some legislature and some group of men somewhere and at some time will have to come and meet in this chamber and they will not only have a paring knife in one hand, but they will have one in each hand and one in their teeth and they will slash this budget because they will be sent here for that specific purpose—to slash.

I do not see how you are going to solve this. If we won't go ahead and do anything, the people of Maine have got to and they will have to have a constitutional convention, called and formulated for a specific purpose of trimming out the deadwood of our state government, trimming limb for limb, cutting off the dead wood, and scraping off the barnacles and giving new life and vigor to our state government.

We have got to cut taxes. I have talked about cutting taxes for a month and I have not heard anyone deny it yet. I think perhaps if a keep talking it I will get two or three to believe it. I think there are six or seven here in the Senate who won't vote for any new

taxes. I think when the vote is taken and when the roll is called up yonder from the rostrum, there will be a lot in the "No" column that have been in the "Yes" column. What a wonderful stimulant it is to do the right thing.

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

Mr. LEWIS of Lincoln: Mr. President, it seems to me the Senators from Sagadahoc, York and Kennebec—Senators Sewall, Wentworth and Hussey, have pretty well covered it, but I do know that we have got to have that appropriation. I suppose you know that wardens get \$21.00 a week and they work from daylight to dark. We have polluting of clam flats. No one wants to eat clams from polluted grounds. They have to be watched. These wardens have to have boats. They are exposed to the worst kind of weather. They have to go to the markets when the clams are brought in to see that they are not under legal length, and the same with the lobsters. I do not think I can add anything to what the other Senators have said, but I hope the motion will not prevail.

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

A division of the Senate was had.

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

The PRESIDENT: The Senate will recess for ten minutes.

After Recess

The Senate was called to order by the President.

Mr. Willey of Cumberland offered Senate Amendment "M" to Legislative Document 899, and moved its adoption.

Senate Amendment "M" to Legislative Document 899. Amend said act by reducing the appropriation for the University of Maine from \$661,209.00 per year to \$600,000 per year."

Mr. WILLEY: Mr. President, there is no one in this legislature who is more interested in the State of Maine having a good university, who is more interested in education of the highest standing, than I. But I am also interested in the

State running its business on a sound business basis.

First, I want to call the attention of the Senate to the appropriations made by the State of Maine for the University since 1911. 1911: \$106,146.75. I will give the round figures. 1913: \$135,000. 1915: \$157,000. 1917: \$149,000. 1919: \$210,000. 1922: \$272,000. 1923: \$303,000. 1924: \$535,000. 1925: \$508,000. 1926: \$487,000. 1927: \$473,000. 1928: \$563,000. 1929: \$591,000. 1930: \$752,000. 1931: \$745,000. 1932: \$758,000. 1933: \$758,000. 1934: \$522,000. 1935: \$522,000. 1936: \$552,000.

Now, in explanation of this offered amendment, I want to go over the balance sheet of the income of the University of Maine, and expenditures of 1936. The statement is not accurate, I do not believe, in that it doesn't carry the correct amount of the appropriation. It should be \$552,000 instead of \$477,000. There may be some explanation that Senator Hussey can make. The income from tuitions was \$374,000. Income from the State of Maine was \$477,000. Federal Government, \$70,000. Funds and Gifts, \$55,000. Summer session, \$27,000. University Press, \$26,000. All other income, \$26,000, excepting a research, income from co-operative extension work with the Department of Agriculture, \$87,000, which will make a total of \$1,130,000.

Now, the trouble lies here. First, the tuition at the University of Maine is \$150. At Bates I think it is \$250; Bowdoin \$250 to \$300; Colby \$200. The first thing, the tuition should be raised to the standard of other colleges offering similar facilities. Now, a big trouble is, we have been doing a lot of building up there. I think at Bowdoin they do not take a building unless it is completely endowed because they realize the expense of upkeep and operation. That is one trouble at the University of Maine. In 1929 they built Calvin hall. In 1930, they built the Home Economics building. In 1932 they added two wings on a building. There is that continual trouble—expanding. We cannot stand the maintenance of those buildings unless the tuition is raised. I believe the tuition should be raised. I believe the state should save \$122,000 by letting them raise the tuition where it should be raised to, and stop building more buildings.

Miss MARTIN of Penobscot: Mr.

President, I hope the motion of Senator Willey will not prevail. To answer one of his questions, about what happened to the rest of the appropriation of the State of Maine. I think if he would look down the report sheet he was quoting from he would find the State of Maine contributed \$87,259.50 for the Agricultural Experiment Station. That is made necessary by the fact that the University must set up a certain amount to get a federal appropriation. I think that would take care of the amount set up in the budget for the University.

Now, as far as the argument that the tuition should be raised, I think everyone in the Senate realizes that the University doesn't draw its students from the same group that Bowdoin and Bates do. We have a large group in the Agricultural College that could not afford to pay any more. We have a great many who are working their way through college and to whom \$150 is a real handicap, and they have difficulty in meeting that tuition figure. I should hate to see it raised at this time because it would be a hardship and it would mean many students in Maine could not receive a college education and could not make contributions to the state as college graduates later.

Now, as far as the financial condition is concerned I don't think I might answer it any better than by reading this statement of the Board of Trustees, because it is concise and to the point. They say:

"The financial condition of the University of Maine has reached a point where due regard of our obligations and responsibilities requires the Board of Trustees to report to the people of the State concerning the critical situation and the reasons therefor.

"In 1929 the legislature passed the Mill Tax Act, allocating to the University an amount equal to one mill on the assessed valuation of the State. The purpose of this Act was to put the University upon a definite financial basis, and thereby to make it possible for the Trustees to adopt and carry out a long term policy. For three years the University received the full Mill Tax appropriation. During this period, there was paid and retired the \$120,000 remainder of the debt incurred during the war years; several important buildings were erected; and some of the older build-

ings were remodelled and repaired. In 1932, on account of the serious condition of the State Government, the University returned to the State \$50,000. In 1933, although the Mill Tax law was unchanged, the full amount was not appropriated by the legislature, and again in 1935 the legislature failed to appropriate the full amount. The total amount which the University has returned to the State or failed to receive from the State during the period between July, 1932, and July, 1936, is \$508,588; and during the fiscal year, July, 1936-July, 1937, the receipts from the State will be \$110,558 less than the Mill Tax would provide.

"In the meantime, during this period of reduced appropriations, the financial condition of the University has grown worse steadily. Reserves for construction and repairs, which had been accumulating during the three years of operation while the Mill Tax Act was in full force and effect, have been exhausted. Working capital has been reduced to the vanishing point. As far as working capital is concerned, the liabilities of the University now exceed its assets, and the June 30, 1936, Balance Sheet shows a deficit. During September it was necessary to finance operations by loans, and it is expected that it will be necessary to borrow from time to time during the year.

At the beginning of the fiscal year, July, 1935, to July, 1936, the Trustees were unable to prepare a balanced budget. Fortunately, unexpected income from the Federal Government and other minor items of income produced an excess of receipts over actual expenditures. However, the destruction of Oak Hall by fire made necessary the construction of a new dormitory for men. Oak Hall, an old building housing men, was insured for \$40,000, while the dormitory now under construction will probably cost about \$120,000 to build and equip. A reserve has been set up for this construction; but except for the insurance money there are no funds available, except by borrowing, to pay for the new dormitory. With the approval of the Governor and Council, the Trustees expect to borrow \$75,000 for this purpose. The current year's expected income affords no prospect of funds for repayment

of this loan, except by cutting the educational budget.

The Board of Trustees is not trying to increase the size of the University, either in plant or number of students. Our policy is to provide educational facilities of high quality in essential departments, with special emphasis upon those lines indicated by Maine's natural resources and economic activities.

Two very important courses, which require better equipment in order to receive the best rating in professional standing, are forestry and pulp and paper. The estimate of expenditure for buildings and equipment needed to bring these departments up to the desired standing is \$200,000. The department of chemistry is in a similar situation with respect to professional rating in chemical engineering, and a substantial outlay for remodelling its building appears necessary.

There is urgent need for a women's dormitory, to replace the Mount Vernon house which was destroyed by fire, and a second must be built as soon as possible. Several buildings require extensive repairs. An infirmary should be built as soon as possible. All of these things could have been provided, if the University had received the full amount of the Mill Tax during the past three years and the current year.

The Board of Trustees believes that the time has come when the people of Maine, through their representatives in the legislature, should express definitely their intentions with respect to the University of Maine. We perceive no advantage to anyone in further postponement or delay. Having exhausted available resources, we cannot continue upon the present basis without being obliged to impair seriously the quality of the instruction and the equipment. We believe that it is time to face the problem, and to decide the future policy of the University. Only the people, through the legislature, can do this. The Trustees recommend that the Mill Tax appropriation be renewed immediately.

I have confidence in that Board of Trustees and I know that every one of you here must have confidence in them, and in case you have forgotten who they are, the President of the Board of Trustees is Edward E. Chase, and the other

members are Thomas E. Houghton, Hosea B. Buck, Frank P. Washburn, Bertram E. Packard, John T. Gyger, Eugene B. Sanger, Raymond W. Davis, and William S. Nutter, and I am sure they would make no such recommendations as they have if they weren't absolutely necessary. And having been in close touch with the University, both as a student and as a citizen of Bangor, I can honestly say that the University does not put on any frills but is trying to turn out the finest trained citizens that it is possible for the state of Maine to turn out and that it is one place where I think we cannot be parsimonious in our appropriation. I hope the amendment will not be adopted.

Mr. WENTWORTH: Mr. President, being chairman of the special University of Maine Committee I feel that I should add a little. I have just been out on a special committee meeting so I didn't get what the Senator from Penobscot, Senator Martin said at the start of her talk, but last year the University had an operating deficit on \$30,200 and they also own \$75,000 on the new dormitory. In other words the insurance didn't cover the building of the new dormitory for the kind of a building they felt should be built.

Now to go back to 1929-30 before the mill tax came into vogue, the U. of M. received in appropriation from the legislature the sum of \$612,000 which is more money than they receive now when they turn back \$110,000 to the state. This mill tax gives about \$660,000. While I was up there I had a talk with one of the trustees whom Senator Martin has just named, Mr. William S. Nutter and I feel that the state is very fortunate in having on that Board of Trustees, a man of his type. He is one of the foremost industrialists in this state. He is not a college graduate but he is the inventor of the Palm Beach cloth and he is very enthusiastic about the University because he can see where it enters into the future of the state of Maine. At the present time they need more money to extend their chemical engineering course, which is one of the foremost industries in the country, and there are one or two other things that need to be done up there, as I see it.

Of course the state has continual-

ly been putting more work on the University in the way of tests and things like that and in going over one of the halls there, I don't remember just which, you can't turn around but you run into something or other. I don't know how they are doing the work there that they are trying to do now and I feel that we are fully justified in giving back the University its full mill tax.

Mr. FERNALD: Now, Mr. President, it is well enough to go to college and graduate and I happen to have had the opportunity to go to the University of Maine and after some manipulation to acquire a couple of degrees. I believe in being loyal to the Alma Mater and all that business but as a member of the legislature we have got to divorce ourselves from all those things and do the job at hand, and the job at hand is to balance this budget and not give the people of Maine any more taxes and to carry on the necessary functions of government. Now, you have had the figures on how much the University got in 1911, and so on, and you have heard the very proper remarks about the caliber of the graduates but I don't think anybody here would maintain that when the University of Maine was getting \$106,000 in 1911, or some \$200,000 odd a little later, that the caliber of the graduates is any better today when we are spending \$543,000. I don't believe anyone would say that we are going to develop a greater graduating from the point of view of mental ability and training.

Now, here is the nub of the proposition. In 1936 they got along with \$543,000 and they didn't increase the tuition and they are not going to increase it next year if you give them \$600,000 although they are asking for a 20% increase in appropriation.

Much has been said about the financial stress of affairs according to the report of the trustees but I am working for the state of Maine and as I read the financial report of our trustee as given by the chairman of the Board of Trustees of the state of Maine, Lewis O. Barrows, he said, "In my opinion we face a financial situation which can only be described as desperate." That is the Board of Trustees I am working for, I haven't heard anybody doubt that statement. Now, I think if we give them, in round

numbers, a 10% increase they can get along comfortably for the next two years. Do you seriously believe that if Ed Chase, the President of the Board of Trustees of the University of Maine thought that the alternative was \$60,000 more for the university or an income tax, have you any doubt as to which he would choose? Well, that is the proposition that you are confronted with. You have either got to decrease the budget or increase the taxes.

Now, on the Board of Trustees of the University of Maine we have the name of Bertram E. Packard—and there is nothing personal in this—but I am wondering what he would say if he had to choose between his equalization program and the University of Maine. There is no doubt about the needs of the primary and elementary schools. That problem is much more vital than the University of Maine. Why? Because those schools serve more people and that is what we are here for, to extend to the people of Maine the greatest amount of service for the money expended. For a university education is still a luxury in Maine. It is still an education for the few. There is no question about that. The time will come when everybody in Maine will have an opportunity to get a free university education, but we can't do it now.

Now, if we keep on with the present trend of increasing taxes where is it going to end? It is just a simple problem in mathematics. You can sit down and figure it out and you can chart in fifteen minutes where the end is going to be. There has got to be an end to it some time. You won't believe it, but you have got to believe it. And when the vote is taken, Mr. President, I ask for a division.

Miss MARTIN Mr. President, since the Senator from Waldo, Senator Fernald, has referred to his authority for advocating the cut, I will refer to the same authority, namely, Governor Barrows. In his Inaugural Address on page 24 he says, "I recommend that the University of Maine be granted the full mill tax."

And I would like to ask the Senator from Waldo, Senator Fernald, what department he would eliminate at the University of Maine, because I have it on good authority that they can not curtail the pres-

ent departments any more and it will simply mean removing one of them. If he has any information on that subject and will give it to us I think it would be enlightening.

Mr. FERNALD Well, Mr. President, the answer is simple enough. You have the record. The University of Maine has been in existence since 1870, or thereabouts, and most everybody who went there has been able, through perseverance and intestinal fortitude, to acquire mental capacity enough to go out and compete with the graduates of Harvard and Bowdoin and the other colleges.

Now, when you say they will have to close up, that is ridiculous. Every bit of evidence on this proposition that has come in here in the last two days, what has it been? It has been evidence submitted by the people who are being tried, so to speak. It is a good deal like going into a court of law with a client and you know he is guilty, and the judge asks him if he is guilty and he says No, and then the judge takes his word for it and dismisses him. That is all we have been doing here for the last two days. We have brought in material acquired from state departments and presented it as evidence. There hasn't been any outside survey or any outside activity. I don't think we should appropriate for the University of Maine or for any department entirely on the say-so of the head of the department.

If you go over the west coast today you will find that the greatest engineers on many of the projects out there are University of Maine men and they were trained when the University didn't have all the frills they have now. Half of this education business is what you put into it yourself. The president of the University, long, long years ago, said to one disappointed father in the horse and buggy days that the University of Maine didn't furnish brains, and I don't think that this legislature should attempt to furnish brains for some of the people who go there and who shouldn't be there and are just cluttering up the place. I think it is ridiculous to say that the University of Maine is going to close up or that they are going to curtail although if they would do some curtailing it might be a good thing, but I am inclined to think that by the time this tax bill gets out of here, if we must

have one, a lot of people back home will do a lot of curtailing and when election comes along they will do a lot more curtailing, too.

Mr. WENTWORTH: May I ask a question of the Senator from Waldo, Senator Fernald, through the Chair?

The PRESIDENT: The Senator from York, Senator Wentworth, may ask his question through the Chair and the Senator from Waldo, Senator Fernald, may answer if he so desires.

Mr. WENTWORTH: Senator Fernald, you referred back to the year 1911. Do you recollect the difference in registration between that year and the year 1936, and the service that the University has given to the boys and girls of the state between that period?

Mr. FERNALD: I know there were fewer students at that time.

Mr. WENTWORTH: Right, and they required a smaller appropriation then?

Mr. FERNALD: Not necessarily.

Mr. WENTWORTH: Very well. Have you in the last few days asked the University to bestow upon you an honorary degree?

Mr. FERNALD: I have not, and I will say that I wrote the President of the University of Maine only yesterday asking for information that would answer your first question.

If they can't find anything else to find fault with in my budget they mess into my personal affairs, and I will say right now that I never applied to the University of Maine but for two degrees and I have got them both and I have never been denied a degree at the University of Maine and as far as that goes, I think I have degrees enough.

Mr. WILLEY: Mr. President, this educational matter bears heavily upon the county I represent. It costs between \$85,000 and \$100,000 for the entire appropriation. I hold in my right hand the education bill and I am in favor of it and I want to do all I can for education. It costs Cumberland county another \$85,000 or \$100,000, and I don't think there is two thousand of that that ever gets back into Cumberland county. We want to be fair in Cumberland county and we want to pay our share but I think the burden is on the members from the other counties to be reasonable and help us clip this expense.

Mr. FRIEND of Somerset: Mr. President, I think it gets right down to this: From 1911 to 1929 the University of Maine received from around \$150,000 to \$500,000 a year. Through that period, between 1916 and 1920 and some years directly following that it was more. Five or six members of the Senate, including the speaker, are graduates of the University of Maine. I saw, while there, nothing wrong with the University. They had plenty of buildings, engineering, chemical, electrical, civil, A. B. college, etc. I thought it was about as good then, and I think now it is about as good a university as there is anywhere. Conditions got better in 1925, 1927 and 1929 until we reached the peak of prosperity in 1929. In that legislature Ed Chase of Cape Elizabeth led the fight to pay for the University of Maine with a mill tax. I was for it at the time because the financial condition of the State was very good and it seemed only right and proper that the State should take care of the University of Maine with a mill tax. It was necessary for the University to go to the legislature every two years and make a plea for what money they got. They got from \$150,000 to \$500,000 and they managed to get along and they never knew ahead what they were going to get, but they got along well.

In 1920 I know the campus at the University was about the same as now. There may be 150 or so more students now than then. The mill tax was continued through the legislature of 1931 because the depression had not hit us very hard. In 1933 we came down here and the whole spirit of the thing, unlike what it is now to raise taxes, the spirit was to cut, and it was cut in 1933 to \$522,000. In the legislature of 1935 I believe it was raised to about \$550,000.

Now we come to this legislature of 1937, and the State is in tougher financial condition than I have seen it in the five terms I have been here. I do not know any time that the State has been in the condition, financially, it is today. Now the University of Maine comes in and asks for an increase over 1935 of \$110,000, and an increase over 1933 of \$140,000. Yet conditions are worse in the State of Maine today than they were in those legislatures. I think if they recommend \$600,000 there is no question what the Uni-

versity will do. It won't close its doors, and it is my recollection that during the very hardest of the depression, salaries were not cut at the University but everyone outside was cut. I think if the University does not get this extra \$60,000, they will still be getting \$80,000 more for the biennium. I believe they can either raise the tuition a little or cut a few small things, or cut the salaries slightly, and get along. I know they can get along. The University won't close. I hope the amendment will be adopted.

Miss MARTIN of Penobscot: Mr. President, I ask permission to answer one point Senator Friend made. He made the statement that salaries were not cut. I beg to differ with him, because the salaries were cut and were cut considerably during the depression. Another thing, he says in 1911 they had a pretty good school up there. They did have and still have, but they have lost buildings in a fire and they have had to make repairs on buildings. We have lost a dormitory that has set us \$75,000 in debt and it has to be paid of somehow. I will move the indefinite postponement of the amendment if I am in order.

Mr. FERNALD: I would like to point this information out. As I understand it, the officials and faculty of the University of Maine do not have to pay a federal income tax because I believe they are considered employees of the State. Some of the rest of us who happen to be fortunate enough to be making enough, have to pay an income tax, but they can duck it. Why should we set them up as a special class? We are talking about equalization. What do we mean by equalization?

Mr. WENTWORTH of York: Mr. President, Senator Friend has stated that the State is in desperate financial condition. The department he is especially interested in is going to be especially well off as we are going to have more gas money than we have had and registration fees ahead of what we have had.

Mr. FRIEND: That is very correct, Senator. But that doesn't have anything to do with the general funds of the State. That has to do with the general highway funds. I just want to bring this up, too. The two committees I am chairman of, Claims, and Ways and Bridges have heard about 1000 measures this ses-

sion, and at least 90% called for an appropriation. It isn't possible, or at least, we consider it isn't possible, without increasing the tax rate, or having the Appropriations Committee disallow it, it isn't possible to allow more than 10% of those bills coming to us for road resolves, highway bills and claims. We won't be able to allow more than 10% of them. Most of them are deserving, very deserving, but we want to keep the expense of the State down, on these committees. When you are doing that and doing the best you can to keep expenses down, you hate to see some of these other departments get large increases, such as the University increase of \$110,000 over two years ago. To me, it doesn't seem the right thing and I am very sincere in hoping that this amendment will be adopted.

The PRESIDENT: The motion for indefinite postponement takes precedence over the motion to adopt Senate Amendment "M." The pending question, therefore, is on the indefinite postponement of Senate Amendment "M."

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

A division of the Senate was had. Twelve having voted in the affirmative and eleven opposed, the motion prevailed and Senate Amendment "M" was indefinitely postponed.

Thereupon, Senator Fernald of Waldo offered Senate Amendment "N" and moved its adoption:

Senate Amendment "N" to Legislative Document 899. "Amend said act by reducing the appropriation for the Department of Forestry from \$30,835 each year to \$25,000 each year."

Mr. FORTIN: Mr. President, in view of the fact that we are all tired, with the permission of the Senator from Waldo, Senator Fernald, I wish to suggest adjournment until tomorrow morning at ten o'clock.

The PRESIDENT: The question is on the motion to adjourn until tomorrow at ten o'clock.

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

Mr. FERNALD: Mr. President, I really think it is a serious matter when we are discussing a budget and we have a membership of 33 and we can get only 22 to vote. That is no reflection on me. Nineteen million dollars—that is what

we are talking about. You cannot duck forever. Believe me, when these tax measures come in, they go on the record and you have got to vote them. Here you have a proposition involving \$122,000 and you vote it 12 to 10. Some of the members didn't get up to vote. \$122,000.00! The statement has been made that democracy exists in spite of itself. We had a proposition back here yesterday and you voted just the same way—10 to 13 on Senate Amendment "I". The vote on this last measure was 11 to 12. You know, gentlemen, that isn't business. It isn't right. It is the wrong impression to have go out. I will stand up and vote alone. I would just as soon the vote was 32 to 1. But let's vote! Let's not let the impression go out that we don't give a continental. I have not got anybody in the University of Maine—it doesn't mean anything to me, but I am just trying to get an expression—

The PRESIDENT: The Senator will confine his remarks to the motion.

Mr. FERNALD: The proposition is Senate Amendment "N". It will save \$5,000. You can vote against it if you want to. I move when the vote is taken it be by division.

Mr. HUSSEY of Kennebec: Mr. President, the Appropriations Committee and also the Budget Committee has recommended an appropriation of \$30,835. They have gone into this very thoroughly and all ten members of the Appropriations Committee feel that they are serving an industry, overseeing an industry in the State of Maine, which is one of our vital industries. I feel this appropriation as set up is none too large for that department.

The PRESIDENT: The Chair will repeat what the Chair has said during the course of the session. Every Senator in the Senate Chamber is obliged to vote, under the rules of the Senate, unless he is excused by vote of the Senate. The pending question is on the adoption of Senate Amendment "N" and Senator Fernald has asked for a division.

A division of the Senate was had.

One having voted in the affirmative and twenty opposed, the motion to adopt Senate Amendment "N" did not prevail.

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

Senate Amendment "O" to Legislative Document 899. Amend said act by reducing the appropriation for the Department of Public Utilities Commission from \$81,000 per year to \$75,000 per year."

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

Mr. HUSSEY: Mr. President, I believe that the members of the Senate would like to know why this cut should be made in this department. I might state again that the committee, ten people, have reviewed this set-up of \$81,000 and they have referred it back, using their best judgment, saying to you that it would be necessary to appropriate \$81,000 to carry on the business like manner of one of the most important departments of this State. I do not see how any cut can be made without cutting out some of the necessary service which the people of the state desire.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "O". The Senator from Waldo has asked for a division.

A division of the Senate was had.

One having voted in the affirmative and twenty-one opposed, the motion to adopt Senate Amendment "O" did not prevail.

Thereupon, Senator Fernald of Waldo offered Senate Amendment "P" and moved its adoption.

Senate Amendment "P" to Legislative Document 899. "Amend said act by reducing the appropriation for the Department of Secretary of State from \$41,000 per year to \$35,000 per year."

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

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

A division of the Senate was had.

One having voted in the affirmative and twenty-one opposed, the motion to adopt Senate Amendment "P" did not prevail.

Thereupon, Senator Fernald of Waldo offered Senate Amendment "Q" and moved its adoption:

Senate Amendment "Q". Amend said act by reducing the appropriation for the Department of State

Treasurer from \$24,000 per year to \$20,000 per year."

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

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

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

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

"Senate Amendment 'R' to Legislative Document 899. Amend said act by reducing the appropriation for Department of Inland Fisheries and Game from \$120,000 per year to \$100,000 per year."

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

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

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

"Senate Amendment 'S' to Legislative Document 899. Amend said act by reducing the appropriation for Department of Superintendent of Public Buildings from \$93,000 per year to \$85,000 per year."

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

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

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

"Senate Amendment 'T' to Legislative Document 899. Amend said act by reducing the total appropriation for the Department of Health and Welfare \$200,000 each year."

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

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

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

"Senate Amendment 'U' to Leg-

islative Document 899. Amend said act by reducing the appropriation for the Department of Audit from \$27,000 each year to \$22,000 each year."

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

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

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

"Senate Amendment 'V' to Legislative Document 899. Amend said act by reducing the appropriation for the Department of Industrial Accident Commission from \$34,000 each year to \$31,000 each year."

Mr. WILLEY of Cumberland: Mr. President, may I ask a question through the Chair of the Senator from Waldo, Senator Fernald?

The PRESIDENT: The Senator may ask the question, and Senator Fernald may answer if he so desires.

Mr. WILLEY: Wasn't that a duplicate of the amendment that was presented yesterday?

Mr. Fernald: It was not, Senator.

Mr. HUSSEY: That is just a change in the figure of \$30,000 to \$31,000, I believe, and I would like to ask Senator Fernald if I am not correct?

Mr. FERNALD: The Senator is correct.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "V" to Legislative Document 899 be adopted and that Senator has asked for a division.

A division of the Senate was had.

One having voted in the affirmative and twenty-four opposed, the motion did not prevail.

Mr. Fernald of Waldo offered Senate Amendment "W" and moved its adoption: "Senate Amendment 'W' to Legislative Document 899. Amend said act by reducing the appropriation for the Department of Industrial Accident from \$34,000 each year to \$32,000 each year."

A division of the Senate was had.

One having voted in the affirmative and twenty-four opposed, the amendment was not adopted.

Mr. Fernald of Waldo offered Senate Amendment "X" and moved

its adoption: "Senate Amendment X to Legislative Document 899. Amend said act by reducing the appropriation for the department of Industrial Accident Commission from \$34,000 to \$33,000 each year."

A division of the Senate was had.

One having voted in the affirmative and twenty-four opposed, the amendment was not adopted.

Mr. Fernald of Waldo offered Senate Amendment "Y" and moved its adoption: "Senate Amendment Y to Legislative Document 899. Amend said act by reducing the appropriation for the department of the Executive from \$42,500 each year to \$38,750 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 twice the amount as members of the Senate and House, during special sessions as provided by Chapter 46 of the Public Laws of 1935, except as to travel and other expenses which shall continue the same as now provided by law.

Mr. GOUDY of Cumberland: Mr. President, The Maine legislature is now assembled for the serious consideration of extraordinary measures. Now, it seems to me that we should proceed on these measures in a deliberative manner with the full intention of doing justice to every subject. I am commencing to feel that the Senator from Waldo is attempting to play horse with the state Senate. I am now commencing to feel like a jumping jack, jumping up and down on these measures that we have voted on and voted on and voted on.

Now, it seems to me that inasmuch as we have voted at least five or six times on practically the same measure as was introduced before this one and now we are starting all over again on this amendment, it seems to me that the Senate is not called upon to act in these matters unless good faith is demonstrated and it seems to me that we should be sure that these amendments are offered in good faith.

Now, this is not a joke. This is a serious proposition and I am willing to give my time and my ability and my energy to help accomplish results for the people of the state of Maine, but I don't like to sit here and vote continually on the same amendment changed in a minor de-

gree; and I am now inquiring of the Chair, is there any way in which we can proceed on this matter in an orderly and dignified manner?

The PRESIDENT: In answer to the Senator's question on parliamentary procedure the Chair will state that the Chair may refuse to entertain any motion that appears to be frivolous and not introduced in good faith. So far the Chair has not been satisfied that any such motion has been introduced. However, the Chair will watch very closely any subsequent motions which might border on that question.

Mr. FERNALD: Mr. President, I will agree that this Senate Amendment Y that we have before us pertains to the same subject matter and the point in introducing it was that following the session yesterday on a similar measure a number of the Senators came to me and said that, "if in your cutting of the salaries and fees for the Governor and Council you hadn't been so radical but had proposed to give them ten dollars a day when they are up here after the legislature we would have gone along with you." And that is all this amendment provides to do.

My other amendment, I was trying to equalize things. My original motion yesterday was to pay the members of the Governor's Council the same pay that they get during the legislature and after the legislature that they receive the same pay we get when we are in special session but the members of the Senate didn't see fit to go along on that and since the suggestion was made that perhaps another amendment would meet with their approval I drew up this amendment. Nobody else offered it. What I am trying to do under Senate Amendment Y is to give the Governor's Council the same pay during the legislature and after that to give them ten dollars a day instead of five dollars. I am sorry I had to introduce this amendment. I am sorry I had to introduce all these amendments. I am perfectly willing to yield to other Senators with amendments. As a matter of fact I have yielded some of my amendments, but I am really serious about this thing. I may be short-sighted or near-sighted but I don't see the way out and I am trying to get something before the legislature that they will vote for. There are

forty or fifty items here and a thousand dollars on each is \$40,000 or \$50,000 and I thought that was worth talking about. I thought this budget was here to be discussed. I am perfectly in good faith about this thing. I am not in the least discouraged because I don't get anywhere with these amendments and I don't want anybody to come to me and say that if I hadn't been so radical they would have voted with me.

This amendment makes the pay of the Governor's Council ten dollars a day instead of the twenty dollars a day they are receiving now. If anybody wants to change it or strike it out or increase it to nineteen dollars, that is all right with me. There is nothing sacred about this thing. I drew it up the best I could. And I want to say that everything I have got here I will justify and if I don't you can vote it down. And I want the President, if there is anything frivolous or in violation of the rules, I want him to throw it right out. There is nothing personal about it. It will be all right with me.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment Y to Legislative Document 899 be adopted.

A division of the Senate was had.

Two having voted in the affirmative and twenty-four in the negative, the amendment was not adopted.

Mr. Fernald of Waldo, presented Senate Amendment Z and moved its adoption: "Senate Amendment Z to Legislative Document 899. Amend said act by reducing the appropriations for the Augusta State Airport from \$13,000 each year to \$5,000 per year."

Mr. FERNALD: Mr. President, in explanation of that, if you will turn to your state budget you will see that there is one item set up to buy the thing and the other is to maintain it for these various individuals that have to have this service and perhaps if we just want to buy it, I didn't know but we might want to cut out the \$5,000 in giving gratuities to people. That is the purpose of this.

The PRESIDENT: Is the Senate ready for the question?

A division of the Senate was had.

Three having voted in the affirm-

ative and twenty-five opposed, the amendment was not adopted.

Mr. Fernald of Waldo offered Senate Amendment AA and moved its adoption: "Senate Amendment AA, to Legislative Document 899. Amend said act by reducing the appropriations for the Augusta State Airport from \$13,000 each to \$6,000 per year."

Mr. Fernald: Mr. President, in explanation of that, I didn't know but I could get somebody to come in with me on the proposition that we will buy the thing and perhaps pay one man to be up there a little bit. In other words, if they wanted to administer the thing like other airports have to do, on a business basis, we could probably get the state to pay a thousand dollars extra on it. That is the object of that.

Mr. WILLEY: Mr. President, I was in favor of eliminating that proposition but I know enough to know when I have had a licking. When the Senate voted that they wanted that appropriation, in all fairness to this Senate I believed that the matter ought to stop there. I shall not vote with Senator Fernald in favor of this because I feel that it isn't done in the spirit of fairness to this Senate and on the others that I haven't voted on before I have explained that I don't know enough about those departments to cut their appropriations. I will vote for any economy that I know of that can be effected without damaging the department but I shall not follow this line of procedure one more inch.

The PRESIDENT: Is the Senate ready for the question?

A division of the Senate was had.

One having voted in the affirmative and twenty-four opposed, the amendment was not adopted.

Mr. Fernald of Waldo presented Senate Amendment AB and moved its adoption: "Senate Amendment AB to Legislative Document 899. Amend said act by reducing the appropriation for the Augusta State Airport from \$13,000 each year to \$7,000 per year."

The PRESIDENT: The Chair will not entertain the motion.

Mr. Fernald of Waldo presented the following order and moved its passage: "Ordered, the House concurring, that the Institute of Public Administration of New York City be employed by the Governor and Council to make forthwith a survey

of our Maine legislative machinery, the expense of same not exceeding \$2,000 to be charged to legislative expense."

The PRESIDENT: The Chair will not entertain the order at this time.

Miss MARTIN of Penobscot: Mr. President, I move that the bill be given its second reading.

Thereupon, "An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes for the Fiscal Years end-

ing June 30, 1938, and June 30, 1939" (S. P. 481) (L. D. 899), under suspension of the rules, was given its second reading and passed to be engrossed as amended by Senate Amendment E and Senate Amendment H.

Sent down for concurrence.

On motion by Mr. Willey of Cumberland,

Adjourned until tomorrow morning at ten o'clock.