

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, April 9, 1937.

Senate called to order by the President.

Prayer by the Reverend Raymond L. Hart of Gardiner.

Journal of yesterday, read and approved.

From the House:

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

(In Senate on March 31st, passed to be engrossed as amendment by House Amendment "A" in concurrence.)

Comes from the House, under suspension of the rules, passage to be engrossed reconsidered, House Amendment "B" adopted, and subsequently the bill as amended indefinitely postponed in non-concurrence.

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to insist on its former action, and ask for a Committee of Conference. The Chair appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Laughlin; the Senator from York, Senator Wentworth; and the Senator from Cumberland, Senator Goudy.

Sent down for concurrence.

From the House:

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

(In Senate on March 26th, passed to be engrossed.)

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

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending consideration.

From the House:

Bill "An Act Relating to Special License for Operation of Motor Vehicles." (S. P. 1419) (L. D. 571)

(In Senate, on April 5th, passed to be engrossed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, the bill and the amendment were indefinitely postponed in concurrence.

From the House:

Bill "An Act Relating to Beauty Culture to Include Registering and Licensing of Barbers and Barber Shops and to Create a Board of Barber Examiners." (S. P. 192) (L. D. 451)

(In Senate, on March 23rd, passed to be engrossed as amended by Senate Amendment "A".)

Comes from the House, under suspension of the rules, passage to be engrossed reconsidered, House Amendment "A" read and adopted, and the bill as amended by House Amendment "A" and Senate Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, under suspension of the rules, that Body voted to reconsider its former action taken on March 23rd, whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence, and the bill was passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in concurrence.

House Bills and Resolves in First Reading

"An Act to Provide a Town Council and Manager Form of Government for the Town of Norway, in the County of Oxford," (H. P. 1109) (L. D. 364) in a new draft (H. P. 1831) (L. D. 981).

"Resolve Relating to Smelt Fishing in Hancock County," (H. P. 1313) (L. D. 460) in new draft (H. P. 1774) (L. D. 898).

From the House:

The Committee on Claims "Resolve in Favor of B. L. Kennedy, of Belmont," (H. P. 981) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Claims.

In the Senate, recommitted to the Committee on Claims in concurrence.

From the House:

The same Committee on "Resolve in Favor of Arthur Liberty of North Yarmouth," (H. P. 30) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Claims.

In the Senate, recommitted to the Committee on Claims in concurrence.

The Committee on Legal Affairs on bill "An Act Relating to Municipal Budgets," (H. P. 1541) (L. D. 681) reported that the same ought to pass.

Comes from the House, bill and report indefinitely postponed.

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

From the House:

The majority of the Committee on Public Health on bill "An Act Relating to Apothecaries and Sale of Poisons," (H. P. 40) (L. D. 23) reported the same in a new draft (H. P. 1787) (L. D. 914) under the same title, and that it ought to pass.

(Signed) Owen of Kennebec

Friend of Somerset
Deering of York
Brown of Bangor
Allan of Portland
Demers of Sanford
Emery of Bucksport
Everett of Norridgewock
Alden of Auburn

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

(Signed) Martin of Oakland.

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

In the Senate, on motion by Mr. Marden of Kennebec, tabled pending acceptance of either report.

Reports of Committees

Mr. Ashby from the Committee on Aeronautics and Radio Control on bill "An Act to Create the State Aeronautical Commission," (H. P. 217) (L. D. 390) reported that the same ought not to pass.

Mr. Graves from the Committee on Claims on "Resolve in Favor of Fred Thompson, of Augusta," (S. P. 223) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Percy Jones, of Augusta," (S. P. 222) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Ruel Packard, of Augusta," (S. P. 220) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Reimbursing the Town of Weld for Hospital

Treatment for Arthur Peletier," (S. P. 321) (L. D. 511) reported that the same ought not to pass, as the matter is taken care of in another way.

The same Senator from the same Committee on "Resolve in Favor of Charles Murray," (S. P. 57) (L. D. 37) reported that the same be referred to the 89th Legislature.

Mr. Tompkins from the Committee on Temperance on bill "An Act Regulating the Advertising for Sale of Malt Liquors," (S. P. 426) (L. D. 819) reported that the same ought not to pass, as the contents are covered by other legislation.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Beckett from the Committee on Claims on "Resolve Compensating a Bidder on the General Howard Memorial," (S. P. 169) reported the same in a new draft (S. P. 499) under the same title, and that it ought to pass.

(On motion by Mr. Hussey of Kennebec, tabled pending acceptance of the report, and 500 copies ordered printed.)

Mr. Friend from the same Committee on "Resolve in Favor of Stanley Gerow, of Bangor," (S. P. 100) reported the same in a new draft (S. P. 500) under the same title, and that it ought to pass.

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

Passed to Be Engrossed

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

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

"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)

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

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

Bill "An Act Relating to Motor Vehicles Carrying Passengers for Hire," (H. P. 1563) (L. D. 641)

"Resolve Relative to Fishing in

Certain Somerset County Waters." (H. P. 1766) (L. D. 892)

House Amendment "A" was read and adopted in concurrence, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Bridgton." (H. P. 1824) (L. D. 975)

Bill "An Act Relating to Members of the Maine Development Commission." (H. P. 1825) (L. D. 974)

Bill "An Act Relative to Presque Isle Sewer District." (H. P. 1826) (L. D. 972)

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

Passed to Be Enacted

"An Act Relating to Reports of Tax Collectors." (S. P. 61) (L. D. 41)

"An Act Providing for the Establishment of a Judicial Council." (S. P. 393) (L. D. 738)

"An Act to Repeal Acts Incorporating the Town of Freeman." (H. P. 473) (L. D. 137)

"An Act Relating to the Charter of Bridgton Center Village Corporation." (H. P. 475) (L. D. 138)

"An Act Relating to State Armories." (H. P. 627) (L. D. 203)

"An Act Granting Additional Powers, Rights, and Privileges to Penobscot Chemical Fibre Company." (H. P. 1066) (L. D. 357)

"An Act to Incorporate the Lincoln Water District." (H. P. 1064) (L. D. 386)

"An Act to Provide for Child Welfare Services." (H. P. 1511) (L. D. 709)

"An Act to Provide for Services for Crippled Children." (H. P. 1513) (L. D. 710)

"An Act to Provide Maternal and Child Health Services." (H. P. 1514) (L. D. 711)

"An Act Relating to Holders of Malt Liquor Manufacturing Licenses." (H. P. 1626) (L. D. 752)

"An Act Relating to Plumbing." (H. P. 1730) (L. D. 842)

"An Act to Provide a Town Council and Manager Form of Government for the Town of Fort Kent, in the County of Aroostook." (H. P. 1754) (L. D. 864)

"An Act Relating to Open Season on Fur-Bearing Animals." (H. P. 1765) (L. D. 894)

"An Act Relating to Northern Cumberland Municipal Court." (H. P. 1770) (L. D. 889)

"An Act Relating to Business Hours for State Stores." (H. P. 1778) (L. D. 902)

"An Act Relating to Outdoor Advertising." (H. P. 1781) (L. D. 910)

"An Act Permitting Testamentary Trustees to Hold Securities Held by Testator at Time of his Death." (H. P. 1782) (L. D. 909)

"An Act Relating to the Practice Before Probate Courts." (H. P. 1783) (L. D. 908)

"An Act Permitting the County Commissioners of Androscoggin County to Issue Bonds for South Bridge." (H. P. 1784) (L. D. 907)

Finally passed

"Resolve Relating to an Investigation of the Pollution of Rivers in the State." (S. P. 456) (L. D. 895)

"Resolve Relating to a Retirement Pension for Burleigh E. Bean of Waite." (H. P. 194) (L. D. 906)

"Resolve Providing for a State Pension for John Mains of York." (H. P. 306) (L. D. 903)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Hurricane Island." (H. P. 1125) (L. D. 372)

"Resolve Granting Authority to the Forestry Department to Sell Certain Land." (H. P. 1182) (L. D. 438)

"Resolve Relating to the Protection of Clams within the Town of Freeport." (H. P. 1314) (L. D. 461)

"Resolve to Repeal a Resolve Providing for a State Pension for Beatrice Gilbert of Bar Harbor." (H. P. 1374) (L. D. 905)

"Resolve Authorizing the Erection and Maintenance of a Dam Across the West Branch of Pleasant River." (H. P. 1509) (L. D. 652)

"Resolve Closing the Fishway at Gardeners Lake." (H. P. 1740) (L. D. 845)

"Resolve Relating to Smelt Fishing in St. Croix River." (H. P. 1773) (L. D. 897)

"Resolve Correcting a Clerical Error in the Apportionment of Representatives." (H. P. 1780) (L. D. 904)

Bill "An Act Relating to Prepayment of Excise Tax on Motor Vehicles." (H. P. 877) (L. D. 279)

Which bills were passed to be enacted, and resolves finally passed, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

Mr. FERNALD of Waldo: Mr. President, I rise to a point of personal privilege.

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

Mr. FERNALD: Mr. President, yesterday during the debate on the appropriation for the University of Maine the implication was brought out by another Senator to the effect that my intentions and the motives back of my attempting to cut the appropriation of the University of Maine might have been motivated by the fact that I had been turned down for a degree by the University of Maine.

Realizing that that situation might arise, the day before yesterday I had written the President of the University of Maine to confirm that and I will read his reply to my letter of April 6th, in answer to the statement that was made on the floor of the Senate on April 7th.

"University of Maine, Orono, Maine
April 8, 1937.

"Hon. Roy L. Fernald,
State House,
Augusta, Maine.

"Dear Mr. Fernald:

"I have your letter of April 6 and I am glad to reply at once to your inquiry.

"Our records show that you were awarded two degrees by the University of Maine, a Bachelor of Arts degree, in course, on June 11, 1923, and a Master of Arts degree, in course, June 13, 1927.

"To the best of my knowledge and belief your name has not come before the faculty or trustees, through your own application or that of any other person, for any other degree, either in course or honorary. The Trustees now on the Board, who served prior to my coming to the University, bear me out in this.

"Sincerely yours,

(Signed) Arthur A. Hauck,
President.

Mr. FERNALD: Mr. President, I believe that corrects the record as to that proposition.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, Majority Report "Ought to Pass," Minority Report "Ought Not to Pass" on bill, An Act Relating to Insanity as Cause of Divorce, ((H. P. 669) (L. D. 214), tabled by that Senator on April 7th pending acceptance of either report.

Mr. WILLEY: Mr. President, I ask that the Secretary please read the two reports so that the Senate may be familiar with them, as it has been several days since they were tabled.

The Secretary read the reports.

Mr. WILLEY: Mr. President, I am going to now move the indefinite postponement of Legislative Document 214 for the following reasons: The entire Senate members of the Committee on Judiciary feel, I am sure, very, very troubled about this particular proposed bill. This bill makes possible, as you will see, the granting of a divorce where there is alleged insanity for a period of five years.

Now, we are all familiar with the possibility of people obtaining medical testimony. We know how often the medical profession itself, is divided on the subject of insanity. It seems to me we would open the door, by the enactment of this law, to possible fraud and injustice to some poor innocent souls. It seems to me this is going altogether too far. It is, in my opinion, very, very serious legislation. I do not think we want to take this step at this time although it may be argued that some other states have. But I have seen some poor souls who, for a period of four or five years, have actually been insane from physical disability and I have seen those poor souls come back and again enjoy good health and be able to again mingle in society.

It seems to me to be an almost colossal failure of our standard of living here in Maine if we should permit, during those five years of physical disability, which many doctors might say was incurable insanity, for one spouse to divorce the other. I urge this matter be given very serious consideration in the Senate. I urge any member of the Senate who has not read Legislative Document 214, to study it right now. It is short. I think after you have, you will all support the members of

the Judiciary Committee from the Senate, and move the indefinite postponement of this bill.

Miss LAUGHLIN of Cumberland: Mr. President, I wish to support the motion of Senator Willey for the indefinite postponement of this bill. I do not suppose there is a member of the Senate who believes in perhaps as liberal laws on divorce as I do, when the two parties deal as equals, and as equals are equally able to present their facts in the case. I do not believe where one party is disabled, we want to make that a cause for divorce. As Senator Willey has said, it leads the way to fraud. There has remained in my memory for many years, the case of a very wealthy man,—I will not say his name—a multi-millionaire, who went to Florida, had a bill passed there,—his wife was in an insane asylum—he had a bill passed in Florida, making insanity cause for divorce. He got a divorce, married a young girl, and in two years his wife was out of the insane asylum, not insane at all. That is a definite case in my own remembrance, and it has been multiplied many times in the same way.

As I say, I believe in very liberal divorce, when the parties are equals. I know of no illness worse than insanity, but to permit a divorce because of the terrible misfortune visited upon one member of the marriage partnership, I think is unfair and cannot be supported on any basis. If we came in here and asked that we dissolve marriage because one of the parties had tuberculosis or cancer or some incurable disease, we would think it was a low-down trick, and I think it is a low-down trick to allow a divorce when one of the parties to the marriage has a disease which is worse than either tuberculosis or cancer.

The marriage vows say something about sickness and health, and if the law justifies divorce for this reason, it is to nullify a very solemn vow that people take in marriage. It seems to me a low-down game to play, if one member is insane—the worst possible disease—that this person is discarded, and the law justifies the other party in breaking the marriage bonds.

Miss MARTIN of Penobscot: Mr. President, I am sorry, but I am hazy about what happened in the House.

Will the Secretary please read the report?

The SECRETARY: In the House, the "Ought to Pass" report of the Committee was accepted. The bill, as amended by House Amendment "A" and House Amendment "B", which had been duly adopted, passed to be engrossed.

Miss MARTIN: Was it six to four ought-to-pass, or six to four ought-not-to-pass?

The SECRETARY: Ought to pass.

Mr. WILLEY: In answer to the question of the Senator from Penobscot, Senator Martin: The Senate members of the Committee on Judiciary signed the report "Ought Not to Pass." The gentleman from Cape Elizabeth, Mr. Philbrick, joined the Senate members in the "Ought Not to Pass" report, which is a minority report. My motion is that the bill now be indefinitely postponed.

The Secretary read House Amendment "A" and House Amendment "B".

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Willey, that the bill be indefinitely postponed.

A viva voce vote being had, the motion to indefinitely postpone prevailed.

On motion by Mr. Sewall of Sagadahoc, the Senate voted to take from the table, House Report from the Committee on Public Utilities, Majority Report, "Ought to Pass in New Draft" (H. P. 1695) (L. D. 824) under the same title; Minority Report "Ought Not to Pass" on Bill, An Act to Enlarge and Define the Powers of the Androscoggin and Kennebec Railway Company (H. P. 1117) (L. D. 379), tabled by that Senator on April 7th pending acceptance of either report; and on further motion by the same Senator, the majority report "Ought to pass in new draft" was accepted in concurrence.

Thereupon, that Senator offered Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B'. Amend said bill by striking out of the next to last line of Section 2, the words, 'and in all other respects', and substitute in place thereof, the words, 'and in all respects'."

Mr. SEWALL: Mr. President, in

explanation of this amendment, I might say there seemed to be some question in some few minds as to whether, under the bill as originally reported out, the company, in all respects in its operation, fell within the common carrier law. This amendment merely clarifies it definitely, and I understand it is acceptable to the company, to the minority and to the majority, and I therefore move its adoption.

Senate Amendment "B" was adopted, and under suspension of the rules, the bill was given its second reading, and passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B"

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, House Report from the Committee on Legal Affairs on bill, An Act Relating to Municipal Budgets (H. P. 1541) (L. D. 681), tabled by that senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator, the bill and report were indefinitely postponed, in concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, bill, An Act Relating to the Salary of the Judge of the Old Town Municipal Court (H. P. 1744) (L. D. 859), tabled by that Senator on March 30th pending adoption of House Amendment "A" in concurrence; and on further motion by the same Senator, House Amendment "A" was adopted in concurrence; and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Enforcement of Tax Liens, (S. P. 469) (L. D. 885), tabled by that Senator on April 7th pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted, in concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to reconsider its action taken earlier in today's session, whereby Resolve in Favor of B. L. Kennedy of Belmont (H. P.

981) was recommitted to the Committee on Claims, in concurrence; and on further motion by the same Senator, the report of the committee "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, House Report from the Committee on Appropriations and Financial Affairs "Ought to Pass" on bill, An Act Relating to Conventions of Municipal Assessors, (H. P. 659) (L. D. 228), tabled by that Senator on April 8th pending acceptance of the report.

Mr. Fernald of Waldo: In explanation, Mr. President and members of the Senate,—I tabled this bill, I believe, yesterday, in connection with the budget discussion. Since we have agreed on the budget or, at least, agreed to disagree, and I think both of our points of view are quite well made known, I feel any discussion by me on the reduction of the budget or reduction of state expenditure, would be without avail.

Consequently, I had a meeting last night of the Republican State Committeeman, William Farwell of Thorndike; the representative of the Young Republicans of Waldo County, Elton E. Black of Monroe; the County Committeeman, Charles C. Worth of Stockton Springs; Hiram O. Burgess of Belfast, Sheriff from Waldo County; and representatives from Winterport, Prospect, Monroe, Swanville, Liberty and Belfast. They agreed that I had kept my campaign pledges with the people of Waldo County, that I made last summer; that I had kept my pledge with Mr. Farwell, the State Committeeman, to come over this winter and fight against any increase in taxation. And it was the consensus of opinion of that meeting that I had kept my pledges to Mr. William Farwell of Thorndike, and the voters of Waldo County; and we, in Waldo County as Republicans, could go before the electorate in 1938 on the continued program of economy, and a program that would provide for old age assistance to everyone who was needy, and for the care of the unfortunate in our state institutions. I will say also, that any Republican who comes up in the primaries in Waldo County for the office of

Senator or Representative, who votes for a sales tax or income tax or modification thereof, or any combination, will be opposed by substantial organized opposition from the Republicans of Waldo County.

The issue is closed, gentlemen. The majority have won, and I am willing to abide, as always, by the will of the majority. I move, Mr. President, the acceptance of the report of the committee, on Legislative Document No. 228, "ought to pass."

Thereupon, the report was accepted, in concurrence, and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Senate Report from the Committee on Federal Relations, "be adopted" 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), tabled by that Senator on April 8th pending adoption.

Mr. FERNALD of Waldo: Mr. President, in brief, it has been the policy of this legislature or of this Senate thus far, to memorialize Congress only on things that are fundamental and within the dignity and keeping of the prerogatives of this state. Without expressing any opposition to the proposition to have money expended for telephone service mentioned, and realizing that it is a worth while thing, I think, as I have always thought, that this matter is not a proper matter within the dignity of the Senate to memorialize on. I think it would be a better thing for a letter to be sent to our Maine delegation. I think it is entirely beyond the dignity of the Senate to memorialize on this thing. Two years ago the Senate memorialized on everything. I really hope we do not take care of it in this way. That is my position on the matter, and in order that the issue may be voted on by the Senate, I am going to move—taking the easiest way out—I am going to move the report be not adopted and I will ask for a division.

Mr. BURKETT of Knox: Mr. President, in relation to this memorial, possibly it might have been better to have had a petition. The people on Matinicus Island—about 30 people there—need this. The

State has done things for a lot of plantations and towns where there are only one or two families living.

When the World War was in progress, there was a cable which went from White Head to Matinicus Island. White Head is a life station and it was for the purpose of reporting things back, that it was put there. It is a matter that doesn't cost the state a cent, but in the last year or two, or sometime recently, this cable has been either broken or got out of commission, possibly through some vessel anchoring there and breaking the cable. The result is that it has deprived the people of Matinicus from what means of communication they had. I understand the people on White Head also want this cable repaired, if possible. They asked me to present this memorial, which I did, at their request. It is no personal interest of mine, and is of no interest to anyone as far as dollars and cents are concerned. I understand it is simply a memorial to the United States Government, or you might say a request that the government renew this cable. I cannot see any reason why a memorial should not be sent to them, and so I object to the motion of the Senator from Waldo, Senator Fernald. I move its adoption.

The PRESIDENT: The pending question is on the indefinite postponement of the memorial, and the Senator from Waldo, Senator Fernald, asks for a division.

Mr. FERNALD: Mr. President, if I may clarify the matter—My motion was that it not be accepted. If the report is not accepted, I want to recommit it to the Committee and let them handle it in the better way. In other words, I am trying to get away from memorializing Congress for 30 people—it should be only for the state's interest. I am in complete sympathy with the things the Senator from Knox, Senator Burkett, has said. I think it should be handled by a petition, a letter from the Governor, a letter from the President of the Senate and Speaker of the House, or any other way but a memorial. It doesn't seem to me we should memorialize Congress for 30 people, whether your district or mine, but should be on a matter only of state wide interest. I do not think my motion was to indefinitely postpone, but simply not to accept. I ask it be

handled in another way that could expedite matters.

Miss MARTIN of Penobscot: Mr. President, just to clear up any confusion that there might be, it is not proposed to send the Memorial down to Washington by person. It is to be sent by mail and I thought that the Senator from Waldo, Senator Fernald should be informed that the letter can go at the cost of only the postage.

Mr. FERNALD: Mr. President, I thank the Senator for making that statement. I am glad she clarified that point because I don't care to go to Washington again.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that the amendment be not adopted.

A division of the Senate was had. Twenty having voted in the affirmative and none opposed, the motion prevailed.

Mr. FERNALD of Waldo: Mr. President, I move that this matter be recommitted to the committee so that the interests of these people can be taken care of in another manner.

Thereupon, the Memorial was re-committed to the Committee on Federal Relations.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary, Report "A, Ought to Pass", Report "B, Ought Not to Pass", on bill, An Act Providing that Employers of Four or More Persons Shall be Subject to the Unemployment Compensation Law, (S. P. 278) (L. D. 501) tabled by that Senator on April 7th pending acceptance of either report.

Mr. WILLEY: I am going to move the indefinite postponement of this bill, to expedite legislative matters for one reason, and the second reason is that I believe that the Senate, at least, is sufficiently convinced that this matter ought not to be adopted. Now, at our last session we were told by the lawyers from Washington that if we adopted this unemployment insurance act which covered eight or more employees it would take out of the employers of Maine approximately two million dollars the first year, and that was debated and I am glad that I stood alone in the House against that measure. I now stand alone in the

Senate. In the last three months it has cost the employers of the state \$253,000, in the state of Maine, and it is going to amount to \$6,000,000 the first year, or nearly that. I certainly hope that my motion to indefinitely postpone will prevail, and I yield to the Senator from Penobscot, Senator Worthen.

Mr. WORTHEN of Penobscot: Mr. President, I believe the clause here was embodied in the Social Security Act that we enacted at this present session. I understand that under the terms of that clause an employer was permitted to employ up to eight men for a period not exceeding twenty weeks. We have in our state many small manufacturers whose business is seasonal. They employ a small group of men for a short period in the year. I know of some cases where manufacturers may employ eight men or more for a period of nineteen or twenty weeks and at the end of that period their business is practically completed for the season. If this clause was permitting employers to only employ four I know of several manufacturers who can not get by with four employees and I have had several small manufacturers and men in small business who employ a small number of men a short period in each year, who have come to me and opposed this measure.

I don't think that further remarks are necessary and I hope that the motion of the Senator from Cumberland (Senator Willey) prevails.

Mr. CORRIGAN of Washington: Mr. President, I happen to be a little familiar with the situation. I don't know of any reason why people employing four men or less shouldn't be granted the benefit that comes from this law. They are surely entitled to the same consideration and the same protection that goes to people who employ larger numbers, eight or more, and while I am not entirely familiar with the records throughout the country, it is my impression that most states that have accepted this part of the Social Security Act have brought the limit down to four or more. I think that only recently in Vermont a similar measure has been passed as the one here today and I think in justice to small employers and to the people working for that small employer that they should be put under this act like those of the larger corporations.

I hope that the motion of the Senator from Cumberland (Senator Willey) will not prevail, and I ask for a division.

Miss MARTIN: Mr. President, speaking in support of Senator Willey's motion, there is this point that I think some of us may be overlooking, that the man who employs four laborers has a very small business and he may not have a very complete set of books or a system of keeping track of his employees and his business. In other words, he conducts his business informally and if any of you have had any experience trying to get these records up for the unemployment insurance reports you know that it is a complicated affair and I think that it would be an imposition to put on the small employer that additional work.

Mr. CORRIGAN of Washington: Mr. President, in answer to the Senator from Penobscot, Senator Martin, I come under it and I have no great elaborate system of book-keeping and I know they come down there and take my records off the pay sheet. There is absolutely no difficulty at all. Five minutes work does the job.

Mr. WILLEY: Mr. President, I believe that what the Senator from Washington, Senator Corrigan, says is true. I think perhaps his position is well taken. Probably no one is more sympathetic to labor than I am. I think I am as sympathetic to labor as any member of this legislature because I know what it means to work and work hard and I know their troubles and problems. I also know something about this law. We only adopted it three or four months ago and we haven't really become acclimated to what we have already attempted to enact.

Now, another state in the Union has already declared unconstitutional a similar act providing for twelve men. I think that was Louisiana. Action is now pending before the United States Supreme Court which will test the validity of the federal act. It is the opinion of many of the greater lawyers, as well as many of the lesser lawyers such as myself, that this law is unconstitutional and will never stand the test of constitutionality. It seems to me that for the government to say to us, "You will pay us this money whether you want to or not any-

way and if you don't choose to put into operation a law yourselves to take the benefits of it we will take your money away from your state and we will pay it out for battle-ships or such other things as we see fit."

Now, my motion to indefinitely postpone this is not in any way antagonistic to the interests of labor but I feel that until the matter becomes settled throughout the country, we have gone just about as far as we should go now. Later on as the matter becomes straightened out if the legislature wants to reduce it to one of course they will have the privilege to do that but I think that up to the present time we have gone just about as far as we should go.

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

The PRESIDENT: The Senator may ask his question through the Chair, of the Senator from Cumberland, Senator Willey, who may reply through the Chair if he wishes.

Mr. WALSH: Can the Senator advise the Senate whether there is any more proposed legislation regarding the unemployment commission to be brought before the legislature this session?

Mr. WILLEY: I will answer that question through the Chair, Senator Walsh. At our special session of the legislature their great and learned attorney who came to instruct us about this act told the Committee on Judiciary and the Committee on Labor, the joint committee which heard this measure, that if we attempted to make one amendment to the act as it was then proposed which, in my memory serves me correctly is in Chapter 192 of the laws of 1935 and was then House Paper 1819 at that special session, if we should change one comma or one period or dot across one T that it would not be acceptable to the federal government.

Now, my answer to the question of the Senator is that there is further legislation here. There is a forty-two page amendment to that act now before the Judiciary which will be before this legislature for adoption, I think perhaps tomorrow

if the session goes on tomorrow, and if not, then Monday.

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

Mr. CORRIGAN: Mr. President, just one more remark in connection with the unconstitutionality of the law. How does Senator Willey know that Judge McLaughlin may not change his mind over night like he did a little while ago?

The PRESIDENT: The pending question is on the indefinite postponement of Legislative Document 501, and the Senator from Washington, Senator Corrigan asks for a division.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and three opposed, the bill was indefinitely postponed.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs "Ought to Pass in a New Draft", under a new title, on bill, An Act Relating to Aid for Libraries, Expenses of State Historian, Compensation and Expenses of Geologist, Topographic Mapping, and Abolishment of Grade Crossings (S. P. 494), tabled by that Senator on April 5th pending acceptance of the report; and on further motion by the same Senator the report was accepted and the bill laid upon the table pending printing under the joint rules.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table An Act Relating to Terms and Salaries of City of Lewiston Officials (S. P. 457) (L. D. 850) tabled by that Senator earlier in today's session pending consideration.

Mr. SPEAR: Mr. President, I move that House Amendment "A" to Legislative Document 850 be indefinitely postponed, and perhaps it would be well for me to say a few words in explanation as some of the Senators might wonder why. I have talked with the Senator who originally introduced the bill and it has been suggested that House Amendment "A" be indefinitely postponed.

Thereupon, under suspension of the rules, the Senate voted to reconsider its former action, taken on March 26th, whereby the bill was

passed to be engrossed, House Amendment "A" was indefinitely postponed in non-concurrence and the bill was passed to be engrossed in non-concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary, Majority Report "Ought to Pass", Minority Report, "Ought Not to Pass", on An Act Relating to Emergency Municipal Finance Board (S. P. 179) (L. D. 254) tabled by that Senator on March 28th pending acceptance of the majority report.

Thereupon, at the request of the Senator from Cumberland, Senator Laughlin, the Secretary read the report:

Miss LAUGHLIN: Mr. President, I move the acceptance of the majority report and I will ask if the Senate will consent to accept the report, that we may have the bill before us in order that I may present a brief amendment which has been asked for by persons who are not in sympathy with this bill.

Mr. President, I move first, the acceptance of the majority report, "Ought to Pass."

The motion prevailed and the report was accepted.

Thereupon, on further motion by the same Senator the bill was given its first reading.

That Senator then presented the following amendment and moved its adoption: "Senate Amendment A to Legislative Document 254, An Act Relating to Emergency Municipal Finance Board. Amend said bill by inserting after the word 'due', in line 7 of section 1 of said bill the words 'and has also received from the state funds in support of its poor,' and further amend said bill by adding to Section 1 at the end thereof the words 'and the reasons for the need for state relief of its poor.'"

Miss LAUGHLIN: Mr. President, I think this present amendment shows the needs of having amendments typewritten when they can't be read. The amendment is very brief and it is easily explained. I wish every member here would turn to Legislative Document 254. Two years ago there passed this legislature that the provision that the state could take over the government of towns and cities that were in default six months on their taxes

to the state but because of the wording in the bill it has never been enforceable. So, after all, all that is done here is an amendment to a policy already adopted by the legislature, in order to make that policy effective.

Now, if you will look at this amendment you will see that it provides in addition to their not having paid their taxes for six months they must also have been in receipt of poor relief from the state funds. It is not sufficient that they simply be delinquent in the matter of taxes. It also provides that the reason for their having received state relief shall be taken into consideration.

Of course every one of us here is opposed to centralization of government in this state, and nobody more opposed than I, and when the Senator from Washington, Senator Beckett told me that this amendment was not in opposition to the bill as it is but also provides that they must have received relief I was very glad to assure him that I would be favorable to that amendment as it seems to me that that should be a part of the reason for taking over the town government, because when they have not been able to pay their taxes and when they have come to the state for relief of their poor which must be paid by the citizens of the rest of the state, then local self-government has already broken down and this measure does not therefore in any way propose the breaking down of self-government but the saving of it, the salvation of it, that we may take over the affairs of those towns and put them on a sound basis, and when they are on a sound basis withdraw and let the towns manage themselves.

Now, I don't believe some of us realize, unless we have heard some of the evidence, the extent to which self-government has broken down in some of these towns. There has been some investigation by Mr. Leadbetter's department in these towns where they were receiving large relief. One town had a population of 626 and an assessed valuation of \$149,000 and it was reported to us that they already owed \$52,000—with a total assessed valuation of \$149,000. They haven't attempted to collect any taxes for 1936 yet, they are away back in their collection of taxes and their citizens paid in

1932, \$2,900; 1933, \$4,500; 1934, \$4,800; 1935, \$7,500; and none at all collected for 1936.

Now, it does seem to me that that town does need some aid in managing its affairs and it needs some expert service in management to put it on a sound financial basis. Merchants of the town have refused to give the town credit. The town can not even get any credit from its own merchants in that town. That is one town. I am not going to name it.

We have another town with a population of 4700 which had received in two years \$50,000 in relief from the state fund that other parts of the state were paying for. There was one very interesting thing in connection with that town. It now has a town agent who is trying to bring things into shape and it may not be necessary to take it over if he is competent. He says he is ashamed to be asking for so much help. The town has a population of 4700. Previous to the employment of this town agent it was under the local management of its selectmen and one of them put in a bill for something like \$1,300 for traveling expenses, in this town of 4700, and over \$800 for allowance for the use of his automobile. So that he had paid from the moneys of the town to himself, a selectman, \$2,300—in a town of 4700—and then came to the state and got \$50,000 in two years for the support of the poor in that town.

I have here a report also on another town which says that the bookkeeping methods of this town are such that the exact financial status of the town can not be determined, but we talked with one of the selectmen of this town, or the investigator for Mr. Leadbetter's department did, and the selectman didn't have any books except his own private order books for the finances of that town.

The population is 1535. The tax rate for 1935 was \$50 per thousand and for 1936 \$87 per thousand.

It seems to me they need something in the way of management in that town. They collected no taxes in 1930, and since that have collected very little. In 1936 they collected \$1455 in taxes in that town. The tax collectors are not taking any action to enforce the tax liens and so they remain un-

collected and unpaid. They had \$100, at the time of this report, in the treasury. They have notes outstanding of \$8500. Other debts of over \$1600. The amount of town orders outstanding, \$1000 in 1935 and \$4000 in 1936. They owe their school teachers \$7600 that they have not paid, although they are assessing at \$87.00 per thousand. I do not know how much money the State has paid to that town for relief of the poor, but they have paid to that town for relief of the poor. Well, here it is—the State is paying at the rate of \$1404 per month for relief of the poor in the town. The merchants have refused credit and the banks have refused credit to the town. It seems to me that proves it needs some different management in the town.

Another town receiving relief—simply a case of incompetence—one of the selectmen went to get some mattresses. The WPA were letting them have these mattresses and they figured they were worth \$8.50 apiece. This overseer was going to deliver them to the people who needed them. On his way home he got drunk, got gloriously drunk, and auctioned off the mattresses at \$1.50 apiece—a sidewalk auction, instead of taking them to the people on relief. I just wonder how capable the financial management of that town is. I think perhaps it needs a little assistance.

I have another town here—the merchants have refused it credit. The banks have refused credit. The State is paying \$469 a month for relief. They owe merchants in the town \$3500, which explains why they will not give further credit. These things you find many times. You can get the records in Mr. Leadbetter's office. I asked him to bring me a few, which he did. I think it is ridiculous to talk about these towns not needing some management, when conditions like this exist. This bill says that when they put the town on its feet, financially, they will cease to have anything to do with running the town. They are trying to bring some order and yes, some sense, into the running of the town, in order that they will not be a burden upon the rest of the people of the state.

One town was investigated and we asked the person—and it was not someone from Mr. Leadbetter's office, but a member of the House

of Representatives,—he stated in one town they asked if anybody would be able to manage the town and he said, "I do not find any person in the town that is competent to manage the affairs of the town."

Now, this bill is only temporary. There is no taking of it over permanently. It provides definitely that when expenses and obligations have been paid and the financial affairs of said city or town are on a sound basis that the control shall be handed back to the town.

It seems to me we are up against a very serious thing, and that this State should undertake, not only for the benefit of the town, to get it on a sound condition, but to save this waste of money and also to save the taxpayers of the rest of the State from having to support these towns which so incompetently manage their affairs.

Mr. TOMPKINS of Aroostook: Mr. President, I wish to speak in opposition to the Senator from Cumberland, Senator Laughlin. In fact, I wish to make a motion that the amendment be indefinitely postponed, and what I say in regard to the amendment goes for the bill, Legislative Document 252, as well. I feel, and I believe every one of you here as Senators today feel that the State to step into a town and take over its privileges is a pretty serious move. You all have this Legislative Document 254. I wish you would turn to it. Turn to Section 6 on Page 2, and I will read just four or five lines. "May appoint temporary officials. The commissioner or commissioners may, if in their opinion it will be advantageous to said city, town or plantation, declare the offices of auditor, treasurer, collector and assessors, or any other official in said municipality, vacant temporarily and appoint successors to any or all of the said offices to serve at the pleasure of the commissioner or commissioners." You will note in this it does not say that someone shall be appointed from that particular town. As I said, I think it is a pretty serious business to go into a town and take away the people's rights, to throw out the officers of a town who have been duly elected by the citizens thereof.

I feel that if this bill is passed, it will only be a short time before a great many of our citizens will not want to own a home. They

will not try to own a home. They will not try to be thrifty. They will not try to and will not want to own any town bonds or town orders.

If you can show me a town or city—there are many, I admit—in the State of Maine, that have not paid their taxes to the State and other bills during the last three or four years, I will show you in each case towns that are depending upon one crop production. I know that in the great county I have the honor to represent, Aroostook, a great many towns up there have not been able to pay taxes to the State and pay their bills. Why? Simply because potatoes up there have been selling anywhere from 25c to \$1.00 a barrel when it costs \$1.00 a barrel for any farmer to raise the potatoes and deliver to the depot for transportation—it costs \$1.25 a barrel. Do you mean to tell me that under the intention of this bill, a stranger can go to Aroostook County to any town, and through some miraculous wave of his hand, bring potatoes up to \$2.00 a barrel so that the farmer can pay taxes. Do you suppose a stranger can go into the town, into the potato fields, or into the cow pasture and turn over a rock to find money to pay taxes?

I think some officials in our state have made some very broad statements and they have made them in the presence of other people and to members of the legislature. They have said that the municipal officers in these various towns, which are unable to pay their bills, are not capable of running the town. They have also come out flat-footed and said that the municipal officers in the towns receiving emergency aid, are absolutely not capable of running the towns. I resent this and I believe a great many members of the legislature resent this statement. I believe it is a slap in the face of municipal officers of our towns. Senator Laughlin has said that we don't like centralization. This is centralization, absolutely.

Turn again with me, please, to Section 7 of this bill. I will read three or four lines from that. Section 7 on Page 2. "May make loans." That is, these men they send to your town may make loans. "May make assessments to pay deficiencies and overdrafts; municipalities to be exempt from certain legal processes. Said board is authorized after hav-

ing taken over the administration of government and control of the financial affairs of any city, town or plantation, as provided hereinbefore, through the commissioner or commissioners in charge thereof, to make temporary loans to the extent of the constitutional debt limit of said city, town or plantation." Now, get this: "and he or they are further empowered to issue negotiable commissioners' certificates, such certificates to be a preferred claim against all the assets of said city, town or plantation" and so forth and so on. Just what does this mean? I know in a great many towns in Aroostook County that the debt is held within the town. I mean that if the municipal officers want to borrow \$1000 or \$5000, they borrow it from some man who has been thrifty all his life, and they give him a town bond or a town order. In my town this town debt is held by the old people and by children. The man who held the largest part of the town debt in my particular town, died a few months ago and left those town notes, bonds and orders to his widow and his children. If this bill goes into effect, those things are thrown aside and the fellow who comes in can hire what money he wants and it becomes a preferred claim against that town.

Senator Laughlin has said that the towns cannot get any more credit. I say to you, Members of the Senate, if this bill becomes a law of our State, it will ruin the credit of every town or city in the State because you do not know when your town will get in trouble and call on for emergency aid to the banks who loan money. I know that. Now it is just the same as this—supposing one of you had a first mortgage on a piece of real estate, any kind of real estate, and the mortgagor comes to a point where he can not take care of the indebtedness, his obligations to you. Some stranger comes along and says, "Let me put in some money and take a first mortgage." You are thrown out of your first mortgage.

Miss Laughlin mentioned a town—up in Aroostook County, it is—where the population is only 626. It is in very bad circumstances financially but it is not necessary to pass it onto the people of Maine in order to straighten out the affairs. Two weeks ago at the annual town meeting they elected a member of this legislature, Mr. James

Phair, in the House of Representatives, and he will take the town over and no doubt it will be straightened out.

She spoke of another town, also in Aroostook County, where the first selectman charged up \$1300 for expenses and \$800 for something else. That is true. It is too bad for the town—that is all. He is a common grafter, and we find them in other places, too. She spoke of another town where a man had some mattresses and he got drunk—he had a good drunk—and he sold the mattresses. The mattress did not belong to the State of Maine. They were W. P. A. mattresses. We have local administrators whose duty it is to look after such things as this. As I understand it, the man, after he sobered up, got the mattresses back. He found them all except one, and he fixed things up.

I say that the passage of this bill will meet with the resentment of people all over Maine. The argument has been put forth here and talked around the corridors that the enactment of this bill will only be used in extreme cases, that it is only a threat, only a scare, to get towns and cities to pay taxes. Maybe so, but more than that, it is meant for a big stick to make the towns and cities obey commands received from Augusta. That is a concrete reason and a big reason why this bill should not be passed.

The Senator from Cumberland, Senator Laughlin, said there should be some check on the money that is going into our towns in emergency aid cases. It is checked now. Perhaps all do not know how it is carried on. When a family gets into distress in a town in this State and the town has no credit and they cannot get anything and have to get aid, the rule of the Department of Welfare demands that the officials of the town put the man's name, his wife's name and children's names on a certain form and it is sent to Augusta and the municipal officer does not give that party one bite to eat or one thing to wear until it gets an okay from Augusta, and it is sent back and the man is told what he can buy and he buys it. Not one single dollar is sent to the municipal officer. The bills are okayed by the merchants in the town and sent back here and the money is paid from Augusta and the officials here know exactly

what is going on and what has become of every dollar that is spent.

Now, do not get this bill mixed up with the annual audit business. Turn to Page 6 of the calendar and you will find it is on the table, tabled by Senator Willey of Cumberland, and has been on the table since February 26th, and the passage of this annual audit bill certainly gives the officials all the authority they need and all they should have.

Once more, in regard to the towns in Aroostook County—it is not necessary to pass this bill. We have legislation enough which was passed in the legislative session of 1933 and you will find in Chapter 284 of the Public Laws of 1935 where this commission is set up here in Augusta, the state tax assessor, the state treasurer and state auditor—that is the commission that sends the men out and takes the town over. If it becomes a law and the commission sends men to your town or city, there will be no more meetings of council, no more annual meetings of your town so long as the gentlemen stay there. This amendment that has been offered by Senator Laughlin does not help out one bit. It does not affect the bill in the least. I believe the bill is vicious and unfair and I move indefinite postponement of the amendment thereto.

Mr. ASHBY of Aroostook: Mr. President, although the lady member from Cumberland, Miss Laughlin said this amendment was presented to her, I strongly suspect that the lady member from Cumberland introduced it herself, because I do not know how they are fixed now, but only a couple of years ago, Portland was in arrears. If this had been in effect, for all we know, I might have been sent there to take over Portland. In regard to these gentlemen coming in to take over a town—according to her statement, the taxes could not be collected. There is an old saying that it is hard to get hair off a toad. If they cannot pay their taxes, I do not know how an agent can collect taxes any better than the people, themselves.

She cited one town where they didn't have a man capable of handling the affairs. Evidently they would have to import a man or else it would be a continuous burden. I say, let Aroostook County alone. I

know she was giving left-handed compliments to Aroostook County. We will pull out as we always have. Five out of six consecutive years the sale of potatoes—the only money crop—the sale of potatoes was less than the cost of production. In fact, in the Spring of 1934 it was less than the cost of transportation from the farm to the market, but Aroostook County points with pride to the fact that although they have been in many a hole, they come out on top. You leave us alone and we will get out. But send a man in there who knows nothing about the conditions and about the people and their problems, to take over things, and you will eventually put us in a hole we can never get out of, because he will fix things so—well, I don't believe anybody could get out of it. I, like Brother Tompkins, do not like this idea at all. I do not like the idea of the insinuation that we are all confounded fools in Aroostook County and need guardians. When we do, we will holler, but now we ask to be left alone and we will solve our own problems.

The PRESIDENT: The Chair has been informed that S. C. W. Simpson, Chairman of the Ways and Means Committee of the State of New Hampshire is in the Senate Chamber. If he is still here, the Chair will ask the Sergeant at Arms to conduct him to the rostrum.

The Sergeant at Arms conducted Mr. Simpson to a seat at the right of the President, amidst the applause of the Senate, the members rising.

Miss LAUGHLIN: Mr. President, in the first place, I want to answer the suggestion of the distinguished Senator from Aroostook, Senator Ashby, that the amendment was not written by the one who put it in. I am afraid that the Secretary's failure to read the writing, might have suggested that thought to him. As I stated at the beginning, it was suggested—it was suggested to me by Senator Beckett, who was not in favor of the bill as it stood and it was really offered to compromise. I waited for several days and then would ask, "Haven't you that amendment prepared yet?" The answer would be, "No, not yet". So I decided I would put his own views in the amendment. The view did not originate with me because I was willing to take it as it was, but he wanted it changed. He did suggest a further amendment, so that if

they received relief and were behind in their taxes they would be taken over. In other cases they would be taken over if a certain percentage of the population wanted it that way. That was a little further on the line to which the Senator from Aroostook is opposed. I did not embody that in the amendment.

Now I want to call the attention of the Senate to the fact that the only thing we are voting on is what is in black type on the bill. Quite a few of the remarks of the Senator from Aroostook, Senator Tompkins, referred to the original bill which is now the law of the State, and it is only the amendment that is in black type which constitutes what we are voting on here. If we don't adopt this bill, the law remains on the statute books. It is unenforceable, but the policy remains there just the same. Senator Tompkins spoke of certain towns that were one crop towns. That is not true of all the towns that come under this. Furthermore, since they have been behind in taxes since 1930, it seems to me there has been time enough for them to raise another crop, and even the crop that failed has not failed every year since 1930.

I was struck with the statement of Senator Ashby, who said, "If you will let alone, we will pull out." If he meant it, I would say, "Well and good. Go ahead, and don't get any more money from the State for the support of your poor. We will let you alone. We will see how far you will pull." I think it would take more autos than there are in the whole of Aroostook County to pull them out. We are compelled, unless we would let them suffer or starve, which we would not think of doing,—we are called upon to help them. But so far as leaving them alone to pull out, I think it would be some pull if they were to pull out a town that has a tax rate of \$37.00 a thousand and who have not collected taxes back in 1930.

I refer to one thing Senator Tompkins said, which was that I implied no one in the town was competent. The bill does not provide that. Some persons came in, quite a number, before the Committee on Judiciary and begged the passage of this bill, simply to take over the financial affairs and put in effect a sound system. The bill does not say we are going to put it

in the hands of others. The bill allows if there are people in the town who are competent, they can be put in charge. I referred to one town where the first selectman had no books except his own order book and he made no pretense to understand the affairs of the town. He could not find anybody there who did. I do not think that town will pull out very rapidly, and it is a town which is almost half as much in debt as the whole assessed valuation of the town. It will be some pull. I think it needs a little help. I think the persons sent by the State would supply that help. The whole purpose is to help the town, give them a sound system and put them on their feet. We put in this—if they come to ask aid, it would be a justification for going in to help them. They might say, "We will go bankrupt. Keep out of the way. We do not care how much we owe the merchants and banks who will not give us credit." Now, it is just as good for the towns as it is for the State if we see that they do not sink in this quagmire of debt and sink lower and lower until they are simply being supported by the State. It seems to me this bill is for the benefit of both, to give the towns a sound system where they can pull out when they once get on their feet—and they cannot pull out when they are sinking as deep as they are now—and also to help the State so they will not have a growing increase in relief, and to help the other taxpayers in their affairs who have had to help bear the burden of taking care of these towns who need the care because they do not run their affairs on a sound business basis.

Mr. HUSSEY of Kennebec: Mr. President and members of the Senate, I wish to make a few remarks in favor of the bill and amendment as read. I believe the Senators are getting worried over something they shouldn't, in that they seem to be taking it upon themselves that they are the only ones in the state who are receiving aid from the state. It so happens that in Kennebec county we have a town receiving aid from this emergency fund and I believe that that town—whether you use this bill as a big stick or not or whether the state should see that the affairs of

that town are in such a condition that they should step in—I feel that on the whole the citizens of that town will derive benefit from it in that the proper officials of that town will find that they are receiving cooperation from agencies which have been set up in our state organization here to work out their problems.

Some of the problems in our town are more than one body of men in one section can work out but if they have the advice from other sections of the state and from our state department it will do a great deal toward relieving some of their troubles. We spent in emergency aid in 1935 and 1936 approximately \$380,000. We have spent almost as much as that, \$370,000 I believe up to the present time this year and we have still a few months to go. There are a large number of bills outstanding on this which without the emergency aid will total up to between \$400,000 and \$500,000.

That will show the increase in demands upon the state for this emergency aid. Now, are we going to get at the root of this demand for money and find out what the trouble is or are we going just to sit back and say, "Go on, boys, we invite you to come down here and apply for aid." We have a bill before the Appropriations Committee asking for emergency aid and we have held it in committee because we found it hard to decide just the amount to set up because, as I just stated, it seems to be increasing and until this legislature shows to the members of its committee that there is cooperation to cut that down we would feel remiss in not setting up a larger increase, an increase which none of us wants to burden our people with, because, as it has been stated on this Senate floor, we want to cut the appropriations down and this is one way we can do it and it is the only safe way we can do it.

The sum of \$600,000 has been asked by certain officials in their appeal for emergency aid and what do they base their assumption on? Increased demands upon these various departments.

Now, let's get right down to the bottom of this and put the bill along. It isn't going to hurt anybody. The truth doesn't hurt.

Mr. WILLEY: Mr. President, I can not help but admire the spirit of the Senators from Aroostook

county. That is a spirit that is bred in every one of us but I am reminded of the story, when Senator Ashby says, "Leave us alone and we will be all right," I have a daddy that Senator Ashby sometimes reminds me of. When I was a boy he told me what to do. He supported me. He bought my clothes. He fed me. And I was competent to some extent. My daddy has come to his declining years. He has infirmities and he doesn't appreciate them seriously. He says, "Leave me alone and I will be all right." But the tables are turned. My daddy doesn't realize just how badly off he is and he doesn't realize that it is absolutely necessary that I have a doctor go to his home twice a week to give him proper medical treatment. The tables are reversed. I think today that I appreciate his condition whether or not he does.

Now, a finer, better people never lived, a finer, better people never trod in shoe leather, than the people who live in Aroostook county. Thank God I have the privilege of the friendship and acquaintance of some of them. But this is not a bill that deals with Aroostook county alone. It is a state measure. We are not aiding Aroostook county any more than any other town in the state of Maine. If a corporation gets into financial difficulties we have passed laws here that provide that a receiver be appointed to take over the affairs of that corporation even when they are in danger of insolvency. That doesn't mean necessarily that the corporation is wrecked or that it should be dissolved or that its officers should be put out. It just means that during that period when there is danger of insolvency a steadying hand, a guiding hand, is given to that corporation to protect it and to protect its credit.

Now, in Aroostook county for instance, the government advances the money, as they should, for fertilizers or seed to the potato growers. The government takes the first mortgage on their crops. There is no question about that and the first part of that crop is entirely subject to a first mortgage over any and all other claims on that farm and no farmer objects to that. Now, when it comes down to the point where the child, the town, whether it is my town of Falmouth or whether it is a town in Aroostook

County or Oxford County or any other county, when it comes down to the point that that town, the child, comes to the state, the parent, after the child has grown up and asks for aid, for assistance or support, it seems to me no more than fair and fitting that the child should conform to the reasonable requirements of conduct by the parent who is again taking that child into custody and supporting him.

Now, if they do not keep their towns in proper shape, if they do not manage their affairs in a business like manner, if they ask the rest of the state to come and help them, it is no more than fair on the part of these towns to allow the state, the parents, who say, "We will help you, we will see that none of you are hungry or go without clothes," it is no more than fair for them to expect the state to say, "If you get into such a condition and ask for our aid we have the right of supervising your conduct."

I think the measure in no way attempts to take away any of the rights of the town. It takes simply the right of the parent who is being called upon for support to have a hand in guiding the child in need of support, and I urge the adoption of the amendment and the bill as offered by my colleague from Cumberland, Senator Laughlin.

Miss LAUGHLIN of Cumberland: Mr. President, the bill was not offered by me but I am one of the majority that approved of it. However, I want to say that of course the bill is not aimed at Aroostook County or any other county and in fact one of the towns which I referred to here is not situated within Aroostook County at all.

Mr. GOUDY: Mr. President, of course we are all interested in the welfare and advancement of the state of Maine and its citizens. The state of Maine is composed of plantations, towns and cities and inasmuch as that is so we are all one citizenry and we are all interested in the state. This bill will not only represent the citizens as citizens of Maine but it will also represent the citizens of these different plantations, towns and cities.

Now, there was a little town, and it wasn't in Aroostook County and it was in financial difficulty. And the State Auditor's department made the error of telephoning to the town officials and informing

them that his department would send a representative down there the next day to examine the books. Now, you know in presenting a case one of the elements that has the most probative force is the introduction of exhibits. And when the auditor's representatives arrived at this town they found evidence, fresh evidence, of an attempt to destroy completely the financial records of the town which had been kept in a book. The book was on fire and the records of town were completely destroyed and they were absolutely stopped from determining the financial condition of that town. They had run up against a stone wall, so to speak.

Now, with practices of this kind prevalent it seems to me that whatever protection we can give to towns and cities and plantations by the passage of this bill should be given them. I think it is our duty to the cities, to the towns and to the plantations and the citizens thereof, and to the state of Maine, to give this bill favorable passage.

Mr. SPEAR: Mr. President, I introduced this bill but I didn't know it was coming off the table this morning and I didn't know the other three Senators were going to speak on it. I am very delighted that they did. We are in agreement for once.

This bill wasn't aimed at any county or any particular town. I have been coming to the legislature for five terms and for three terms I was on the Appropriations Committee, once the ranking member and twice the chairman. This condition isn't anything new and it doesn't seem to happen in any particular place, but the conditions are not improving in some cases and it doesn't seem to make very much difference which political party is in power in some of these towns. First, we will have a Democratic administration, and there is a deficit. Then we will have a Republican administration, and there is a deficit.

Now these places that can pay and who have to aid the others ought to have something, to say to those places that can not pay. As has been said, everyone is sorry for a town or city that gets into trouble and the last one mentioned as a glaring example was not in Aroostook, and perhaps that particular incident is the reason for this bill. I hope the bill and the amendment

will prevail. I wouldn't care to own a home in a town which couldn't pay its bills or its taxes. I would feel simply terrible to live in a town that was unable to keep its financial affairs in shape. I think it will be a benefit to our citizens to put these towns in shape through the proper officials and then turn them back to their own people.

Mr. MARDEN of Kennebec: Mr. President, while the gist of my comments will be against the motion of the Senator from Cumberland, Senator Laughlin, I rise primarily to raise the question of inquiry as to just what step should be taken along what we probably all agree is a common necessity, meaning that, admitting very freely that many of the towns in the state require some sort of additional regulation, the question, as it seems to some of us, is whether this particular document is the proper one or whether it is altogether too drastic.

The Senator from Aroostook, Senator Tompkins has called the attention of the Senate to the first tabled matter relative to the annual audit of towns and cities in states. Now, in that connection I have some notes, which I believe to be accurate, taken in the hearing before the Committee on Legal Affairs of that audit bill. It seems to me there is some information there which may well guide us in the decision upon the immediate question. I believe my notes are correct in stating that at the present time in about twenty-five per cent of the towns in the state of Maine, the books of those towns reveal something in the nature of a shortage, either from carelessness or from ignorance or, in some instances probably from intent.

Under Chapter 5, Section 97 of the Revised Statutes, a law which antedates and which is proposed to be amended by the annual audit bill, the matter of a state system of bookkeeping and state audits was made optional to the several municipalities of the state. The Department of Audit tells us that under that optional provision about 125 towns have adopted the state system and that since their adoption of that system in those 125 towns, varying in size from municipalities, the size of Biddeford to plantations the size of Magalloway, there have been no shortages. Now it is my understanding that the real purpose of any of these

measures, and primarily the one which we are now considering, is to avoid a repetition of shortages and a repetition of failures to meet their obligations on the part of the towns. The bill seems to be aimed largely at situations resulting from poor and inaccurate bookkeeping and I would suggest to the members of the Senate, purely for the basis of an intelligent vote on the matter, that a reading of Legislative Document 796 which provides for an annual audit, will show that the towns are not required by that bill to adopt the state system of bookkeeping but must have a system acceptable to the state, that an annual audit is required, that all cities and towns must have an audit on or before September 30, 1938, and annually thereafter.

Now, in connection with the proposed bill, also, Section 9 of Legislative Document 254 is a provision that the same commission may go into areas deorganized by act of the legislature and carry on. Please note, members of the Senate, than in Legislative Document 835, which I believe is on the way to enactment, "An Act Relating to the Termination of Organization of Towns or Plantations," that in that measure power and authority is given to the state tax assessor to go in and handle the situation, suggesting thereby that the last section of 254 is amply covered. And it seems to some of us who are entirely in sympathy with the necessity of some new measure to regulate our towns and cities, it seems to us to be a question whether it is necessary to go as far as Legislative Document 254, where the Annual Audit Bill may, and very likely will accomplish the same results, and before we empower an official to go into our municipalities, throw out the town officers elected by the people, and issue certificates of indebtedness against that municipality which shall be a first lien on all the property of that municipality, we should really give it some consideration.

Mr. WILLEY: Mr. President, the Senator from Kennebec, Senator Hussey, is accurate when he says that I tabled Legislative Document 77 on the 26th day of February. I did. I tabled it in the same spirit that has been shown—the splendid spirit—by the Senate. In my town we pay our bills. We happen to be fortunate enough to have good credit. As the Senator said yester-

day, the Lord has been with us. He is coming back to Aroostook some time. But it is no one's business how we run our affairs as long as we pay our bills and ask for nothing. So, to say that a compulsory audit is going to be made in every town, village and hamlet, is going altogether too far. We don't need anyone to tell us how to keep books. And that order isn't passed. As you know, it is here on the table. It has not been disposed of by this legislature.

Now, I can tell you of a town—the Senator from Waldo, Senator Fernald told you of a town—where they have had an annual audit and there has been a marked improvement, and yet after several years they show a shortage of several thousand dollars. In my opinion that compulsory audit doesn't amount to much and shouldn't be inflicted on any city or town that minds its own business and pays its own bills. But I do feel, as I said before, that where the child comes back to the parent and says, "You must help me," there is no reason why the parents shouldn't, in some degree, have a right to exercise his best judgment as to what that child is going to do and how it is going to do it.

Mr. TOMPKINS of Aroostook: Mr. President, I am sure that we members from the northern part of the state, especially from Aroostook, appreciate the very kind words of the Senator from Cumberland, Senator Willey, and others. We also appreciate his jokes.

Now, the Senator from Cumberland, Senator Laughlin, made the remark that we already have on our books a law which isn't any good. I am very familiar with that law. She also stated that there is very little change being made in that law. The changes being made are the black lines. That is just what I am opposed to, those black lines, which mean that they can send a stranger into my town or your town and take over the government. It does not say in this new law that a manager shall not be appointed in that particular town neither does it say that a general manager or officer shall be appointed from that particular town. And the other part of the black lines that I am opposed to is to send a stranger into my town and throw out all of the present liabilities and allow that fellow to hire what money he wants to, to become

a preferred claim against that town. It isn't fair.

The statement was made that some people are asking for this law from some towns. I don't know who they are but I can say that a lot of town managers and would be town managers are asking for this law because in the majority of cases of town managers they are not people who have lived in that particular town all their lives. They are strangers brought in there. I still maintain that the present law, plus the annual audit bill which perhaps will be passed, are sufficient, and I ask for a division, Mr. President.

Miss MARTIN: Mr. President, I think that there is one particular part of this bill that needs emphasis that has not been brought out into discussion so far and that is the last part of Section 3 on Page 3. As you look at that you will see that it provides for a moratorium while the manager is in the town and, incidentally, while this moratorium is on, the statute of limitation would not apply so the debts would be just as good as soon as the town got on its feet again. I think that there is the reason that the towns can not pull out by themselves because they are so weighted down by debts that the minute they get some money somebody comes in and gets it. Now, if they have had a business like management and worked out of debt and the prior claims are paid first, when they did get on their feet everyone would be paid. This moratorium feature is important and I hope the bill receives passage.

Mr. ASHBY of Aroostook: Mr. President, you know they say pride goeth before a fall and the gentleman from Cumberland, Mr. Willey, says that God has been good to them and they are independent. Well, He was good to Aroostook County once and for two or three years, Aroostook County was the second richest county in the United States. Now, you know, that great disasters happen to places. There were towns along the Ohio River that were prosperous but disaster came and they were wiped out and in other places fires have come and have laid them waste. If a fire should lay Portland or Bangor in ashes today they would need help just as much as we do but we wouldn't say they were down and out forever. We wouldn't say to

send a man in there to take over their finances and throw out all their city officers until they got onto their feet. We would let them work out their own salvation.

We have asked for help because we had a disaster fully as bad as the flood that wiped out the towns along the Ohio and Mississippi Valley. We had disaster and we realize it and because they cited one or two crooked town officials that doesn't mean that we can't regulate our own affairs.

That gentleman up in the town that Miss Laughlin cited that took \$1300 for travel expenses and \$900 for his automobile use was probably preparing for the Council, but on the whole I think we have tried to be honest and if you will leave us alone we will come out all right and we won't ask for your help in a year or two because we will again be in prosperity, but at the present time this proposition would be working a hardship not on the town officials but on the people of the town who can't pay their taxes but who will if you give them a little time. Things don't happen in a minute in this world. Only two years ago, according to the late lamented Ed Rounds, Portland was two years behind in its taxes and they hadn't the money and the city manager couldn't pay the taxes. I don't know whether that is true or not but Ed Rounds made that statement on the floor of the House. We are not the only ones that have been in financial difficulty but we expect to be out of them again sometime. But if you send men up there to throw out our town officials and take charge of the town I am afraid they are going to be there forever. Either that or else they are going to wreck the homes of every inhabitant of that town. I hope such an outrageous bill as this will not pass.

Miss LAUGHLIN: Mr. President, in the first place, the very first sentence of this measure simply provides that the board is authorized —there is nothing mandatory about it. I cannot imagine a board stepping in in the case of some disaster, fire or flood or something like that, when the condition is just temporary and not caused by mismanagement. As I said, they are simply empowered to do it and there is nothing mandatory. As I said before, we had people come in and ask that this bill pass be-

cause it was not possible to get the town on a sound basis through the action of the people of the town. In some cases we found there was such a factional division in the town they were all up in the air, anyway, and they wanted someone to be brought in to run things and straighten out their situation.

I think there are a few points to stress, and a few misunderstandings to correct. First, this is not mandatory and they are not coming, regardless. Secondly, that some of the provisions of the bill which have been discussed here are now law. It is a matter of making the present law, the present policy of the state, effective, and we should regard the bill in that way. Thirdly, I think it has been brought out that it is a temporary measure until they are put upon their feet. None of these towns that are being discussed have been in any temporary difficulties. They have been in there for the last six or seven years and they are getting in deeper and deeper all the time. It is not the failure of one crop, and it is not some temporary disaster, but it is a case of continued bad management, and they are getting in deeper all the time.

I think the point brought out by the Senator from Penobscot is very good, that it does get a curtailment on these crushing debts which have been piling up for six or seven years. Certainly it is not encroaching on the rights of the town. If it was, I would oppose it as strongly as anyone here. I think it is preserving the rights of the town in getting the town on a sound basis.

Mr. FERNALD of Waldo: Mr. President, I noticed in the morning paper where Congressman Brewster from the Third Congressional District was asking Congress to have a new coin issued commemorating the Aroostook war. Now, this next statement is in all seriousness. If you superimpose this system upon the towns of Maine, some future Congress will be commemorating the events that will follow, by a coinage issue, and the coinage issue will commemorate when the people of Maine said to the people of Augusta, "Bureaucracy must stop, and you in Augusta,—you may think that you are the parent, but the founding fathers who founded this nation and found-

ed this state, they didn't feel that way. The parent of this government, the American parent is in the town meeting and in the towns."

We have become befuddled in this nation and in this state, with the European notion that the state is the parent, but that is not so. The parent in Maine is the town and the town meeting, and that is one of the fundamental objections that I had against this bill in 1933 and in 1935 and which I have now,—that we are substituting for the American form of government, the European form. It is the entering wedge. Thomas Jefferson said that the greatest thing Democracy had brought forth was the American town meeting.

Just three points I am trying to make. The first, I have made. The second is this, and it is well to bring it out—you are going to foist upon the State of Maine an additional bureaucracy. You are going to give some department in this State an additional appropriation. You are going to increase the duties and expenses of some department, and you know that you never, never, never can cut that appropriation once you get it on the books. We are legislating great things for the State of Maine whether or not for the future—paraphrasing the inaugural.

Here is a practical point about this thing—mind you, before we get to that—that when, in Maine, we have a town that is not able to take care of and run its own business, there is a whole stack of books and laws to tell them what to do. There are plenty of laws to take care of them, and an orderly process provided.

Another point. Senator Marden brought out the point that in over 25% of the towns in the state, according to the auditor's report,—and my recollection is that is correct—there is more or less of a deficit. Let's look at this. We will admit serious conditions exist and for those isolated cases wherever they may exist, you are trying to remedy them, and you are saying that when the conditions in those towns get so bad, this state board can go in and set up a preferred claim. Now, the very minute this legislative document 254 goes into effect next August, the very moment that goes into effect, the Maine State Legislature has impaired the financial credit of every town in the State of Maine. And

why? Because there are a great many towns that are on the border line, a great many towns, and not only in Aroostook County, but every county. And if the people who are furnishing them credit, the companies that are working out the troubles and financing them along, realize if conditions should get a little bit worse someone would come in and become a preferred creditor, a good many towns would not be able to continue.

Let's see how it worked out in the past. In 1935 we were stampeded into passing a lot of foolish banking legislation. What happened? What did you do? You put a receiver into every bank in the State of Maine, whether in desperate need or on the border line, and superimposed on the people of Maine a lot of unnecessary bureaucracy, with the result that some political grafters on the inside got some swell jobs and swell fees,—and who paid them? The bank depositors. If you had left them alone, most of them would have paid one hundred cents on a dollar. We can name the banks, too. That is what you are doing, whether it is a bank or a town. The trouble with this area around Augusta—they think it is an employment agency. If they cannot get a job one way, they pass a law creating a job for them. It is un-American and it is unnecessary.

If conditions are getting better, and I am sure they are better in Aroostook County, let's give them two more years. In two more years we may feel different about it. I think we have got government enough. The trouble is, we have not money enough to pay for our government. I shall vote against the bill and amendment.

Miss LAUGHLIN: I have a pretty vivid imagination, but it isn't vivid enough to imagine the founding fathers sitting idly by and letting the towns sink farther and farther in debt. I do not see how we can further impair the credit of a town which cannot even get credit from the local merchants or the local banks. There is one thing I want to bring up. We have had a good many towns before this legislature that wanted to give up their organizations because they were unable to carry it on under the burden of taxation. So they gave them up. This measure, instead of destroying the towns, is offering a way out by which we can help, and instead

of the towns wanting to give up their organizations, which means destroying the towns,—this bill means the salvation of those towns so they can continue their town organization and town meeting and not come here and say, "We want to give it up. We do not want a town organization any more."

The PRESIDENT: The pending motion is on the indefinite postponement of Senate Amendment "A" to Legislative Document 254.

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

Thereupon, on motion by Miss Laughlin, Senate Amendment "A" was adopted.

Mr. ASHBY: Mr. President, I move, for the purpose of amending this bill, that it be laid on the table. I will take it off tomorrow.

Mr. SPEAR of Cumberland: I ask for a division, Mr. President.

The PRESIDENT: The motion is not debatable. All in favor of the motion of the Senator from Aroostook, Senator Ashby, that the bill be laid on the table, will rise and stand until counted.

A division of the Senate was had. Twenty-four having voted in the affirmative and none opposed, the bill was laid upon the table pending second reading.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, An Act Relating to a State Geologist, (H. P. 1696) (L. D. 823), tabled by that Senator on April 5th pending passage to be engrossed, in concurrence; and on further motion by the same Senator, the bill was passed to be engrossed, in concurrence.

Miss MARTIN of Penobscot: Mr. President, I move we recess until two o'clock.

Mr. WILLEY of Cumberland: If the Senator will yield, I will take one more matter off the table before lunch.

Miss MARTIN: I will withdraw my motion, Mr. President.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, Majority Report, "Ought Not to Pass," Minority Report, "Ought to

Pass" on Bill. An Act Relating to Trailers and Semi-Trailers, (H. P. 1443) (L. D. 584), tabled by that Senator on April 6th pending acceptance of either report.

Mr. WILLEY: Mr. President, I move the minority report be accepted and I will say that this bill was introduced by certain horse lovers who have little semi-trailers which they affix to their regular cars and regular automobiles. They take their horses for exhibition, to only perhaps three or four or five of our agricultural fairs, where they have riding shows and horse shows. Last year, the Governor and Council in its wisdom, saw fit to relieve those people who brought into our state, horses for exhibition, in trucks and trailers, from the heavy burdensome tax we have to levy on trucks that are on our highways 24 hours a day. It was brought out before the committee that they used the trailers for horses only three, four or five times a year. It seems while they are rendering a very beneficial service to the State, we will not only encourage the raising and breeding of finer horses, and while they add to our agricultural exhibits, we should in some measure help to encourage them in this particular manner, by relieving them from the heavy burden we put on trucks that continually use our roads 24 hours a day. I can see that an objection may be that they feel no exception should be made, but in this instance, where they render such a decided benefit to the people of Maine, you should well give consideration to the acceptance of the minority report.

Mr. FERNALD of Waldo: Mr. President, the majority of the committee, have this notion about the thing, that it is private privilege, special privilege and it is getting away from the theory of equalization we are trying to set up in this legislature. I think we have all the private and special legislation on the books that we need. We are not depriving these people of bread and butter. It is not a welfare case. We have got to cut it out. That is the trouble with the legislature and with the State. Let's cut it out and let's legislate for the State of Maine. I know they are nice people and all that, but I know others who are nice, too. We can not legislate for all the nice people and special interests. We will have more of a calico quilt than we have

got now. That is the nub of the whole thing. Are you legislating for the few or for the state? Seven on the committee say you should not, and three say you should. It is up to you, gentlemen.

Mr. WILLEY: Mr. President, in answer to the Senator from Waldo, Senator Fernald, in principle, I cannot but say that he is right.

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

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Willey, that the Senate accept the "Ought to Pass" report on An Act Relating to Trailers and Semi-Trailers, that report being the minority report of the Committee on Judiciary. The Senator from Waldo, Senator Fernald, asks for a division.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Fernald of Waldo, the majority report, "Ought Not to Pass" was accepted, in concurrence.

Miss MARTIN of Penobscot: Mr. President, I move we adjourn.

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

Thereupon, on motion by Mr. Fernald of Waldo

Recessed until this afternoon at two-thirty o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table House Report from the Committee on Taxation "Ought to Pass in New Draft", same title, (H. P. 898) (L. D. 314) on bill, An Act Relating to the Gasoline Tax (H. P. 1828) tabled by that Senator on April 8th pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table House Report from the Committee on Taxation "Ought to Pass in New Draft", same title (H. P. 1183) (L. D. 441) on bill An

Act Relating to the Gasoline Tax (H. P. 1827) tabled by that Senator on April 8th pending acceptance of the report; and on further motion by the same Senator the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Miss Martin of Penobscot, out of order and under suspension, that Senator was granted unanimous consent to introduce, "Resolve Creating a Recess Committee on Labor Relations;" and on further motion by the same Senator, under suspension of the rules, the resolve was given its first reading and tomorrow assigned for second reading without reference to a committee.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs (H. P. 1707) (L. D. 832) tabled by that Senator on March 31st pending passage to be enacted.

Thereupon, on further motion by the same Senator, the Senate voted to reconsider, under suspension of the rules, its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption: "Senate Amendment A to Legislative Document 832. Amend said act by adding thereto the following words, 'But no license shall be revoked by any municipal court or trial justice if the party accused and found guilty enters an appeal from the decision of such municipal court or trial justice.'"

Mr. WILLEY: Mr. President, I think that this measure which provides that a trial justice, if a party is found guilty of hunting while intoxicated or under the influence of drugs, shall suspend his license, on the first occasion for one year, on the second occasion for two years and on the third occasion for four years, has a good deal of merit. I don't think any man should go into the woods and hunt while he is intoxicated but our courts have had considerable difficulty in determining when a man was intoxicated. One definition says that a man is drunk when he falls to the floor and can get up to drink no more, but he isn't drunk when he falls to the

floor and can get and drink once more.

I also have heard it said in some of our decisions that if a man has taken one drink he is said to be intoxicated. Now, I can just picture, perhaps, an occasion similar to one that happened in Cumberland County shortly after we repealed the Volstead Act. There was an officer there who had personal animosity against a resident of my town and while that resident was up hunting, this officer went to his home in Falmouth and got consent to let him into the house under false pretense and he found two bottles of gin in his sideboard, and he immediately issued a warrant and got that man down from the northern part of Maine on his hunting trip and told him there was just one lawyer in the state who could get him out of the terrible mess he was in. But he didn't go to that lawyer; he went to another lawyer and the court ordered the officer to return the liquor.

Now, this would open the door, I think, without providing for the appeal, for a little bit of malice if someone was disposed to do it. I hope no one would try to do it, but I think we ought to protect a man. I might go into the woods hunting on some fine, cold, brisk morning, and I might take a little drink and I wouldn't be drunk and I certainly wouldn't want to be pulled up before some bewhiskered justice in the northern part of the state who might be a church deacon and if he smelled my breath he would say I was drunk and I would lose my license. That isn't fair. A man ought to have the right of appeal and shouldn't have his license revoked until he is found guilty. And that is all I see in this amendment.

I also call your attention to the further protection we have in the revised laws already in Chapter 38 where it provides that licenses may be revoked for violation of the fish and game laws and that no new license shall be issued for six months.

Now, we are already protected against the person who violates our laws and I think this amendment should be adopted.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "A" to Legislative Document 832, An Act Relating to Hunting While Intoxicated or Un-

der the Influence of Drugs. Is the Senate ready for the question?

Thereupon, Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Joint Order Relative to Present Labor Disagreement in Lewiston and Auburn tabled by that Senator on April 8th, pending passage.

Mr. FERNALD: Mr. President, I now move that the order be indefinitely postponed.

Mr. WALSH of Androscoggin: Mr. President, yesterday morning on the presentation of this order the objection offered by the Senator from Cumberland, Senator Willey, was in the wording of the order, the use of the word "direct". Acting on the Senator's advice and trying to follow along the lines of the philosophy expresses by this Senate, I now offer Senate Amendment A to the order:

"Amend said order by striking out in the 2nd and 7th lines thereof, the word "directed" and substituting in place thereof the word 'requested'. Further amend said order by striking out in the 9th line thereof the word 'investigate' and substituting in place thereof the word 'survey'.

Mr. FERNALD: Mr. President, I now move that the amendment be indefinitely postponed.

Mr. CORRIGAN of Washington: Mr. President, in connection with this situation over in Auburn and Lewiston, the shoe manufacturers over there are organized a hundred percent to protect every manufacturer who, I understand, are all members of the Shoe Manufacturer's Association. They deal collectively, they are united, but they deny that same right to their employees to form a union or organization for their protection. This is an old story. There is nothing new about this. This has been the history of industry for forty years. Since 1892 in the Carnegie strike in Homestead, Pennsylvania, when hundreds of men were shot down by the tools of those large corporations, it has been the history down through ever since all over the country. They won't deal with an organization of workers. But they are organized a

hundred per cent. Just imagine a large corporation like these shoe people over here standing up there united a hundred percent and they won't deal collectively with their employees. They deal only with organizations of their own choosing. There is a scheme over there now for them to form a company union owned and controlled by the shoe manufacturers, not by the wishes of the workers, and if they tell you that they hold an election and have a contest that is all boloney because they don't give them a chance.

There isn't a man in this Senate who has been through this mill like I have. I belong to a labor organization and have since 1904, I belong to a union and I am proud of it and shall continue to belong as long as I breathe. It is the only thing a working man has got for his protection. These people are attempting now to organize themselves and the manufacturers are using the police force of the state and of the cities of Auburn and Lewiston and other methods to break up that strike. They have an order over there that prohibits the men from going 500 feet of the factory to picket, which isn't the rule obtained in other places. They have practically suspended the constitution of the United States over there in Lewiston and Auburn, the constitutional guarantees of free speech and free assemblies have been abolished over there in those towns.

Now, I think it is up to this legislature, I think they should do something to help the people of Lewiston, those working people over there who are producing those shoes which are the wealth of that place. I think we should do something to let them know that the Constitution of the United States is with us yet and that we are living in the United States and not in some outlying province of Germany or Italy under the law of Mussolini or Hitler.

Mr. WILLEY: Mr. President, I too am glad that I am living in Maine. I am glad that Maine is part of the United States. I am very happy and proud that Lewis O. Barrows is the Governor of the State of Maine. I am very happy and proud to be living in a state where a governor has issued a statement in which he said, "I shall protect labor. I shall protect copyrights, I shall protect every individual that wants to work."

In answer to the Senator's order, there has already been given to the people of Maine protection by our governor. We can not add to what our governor has said. His statement definitely and clearly and fully makes known to all the people of Maine that they will be fully protected and no need now exists for the provisions contained in the Senator's order and I move that the same be indefinitely postponed.

Mr. SPEAR of Cumberland: Mr. President, may I ask a question through the Chair of the Senator from Washington, Senator Corrigan, for information?

The PRESIDENT: The Senator may ask his question through the Chair of the Senator from Washington, Senator Corrigan, and that Senator may answer through the Chair if he so wishes.

Mr. SPEAR: In case a labor leader gets 51% or more control of an organization and the minority which is 49% or less exists, who represents the 49% or less of which the leader represents 51% or more?

Mr. CORRIGAN: Mr. President, I will answer that by asking the Senator from Cumberland a question. Supposing we had an election and the candidate from Cumberland County gets 51% of the vote. Does he represent the other 49% or doesn't he? It is the same in the labor case..

Mr. SPEAR: Well, I am not on trial. I am asking a question.

Mr. CORRIGAN: And I am telling you that the 51% should prevail.

Mr. MALIAR: Mr. President and members of the Senate, yesterday both the mayors of Lewiston and Auburn apparently got together and formed a committee to try to arbitrate between the manufacturers and the laborers of the Lewiston and Auburn textile mills. In order to give this committee a chance to function for the next two or three days. I move that Senate Amendment A and the order be laid upon the table.

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

Mr. WALSH: Mr. President, I hesitate to keep this matter under discussion. I realize that the members of the Senate spent a lot of time yesterday bobbing up and down here on their daily dozen and that they have been doing a lot of

thinking over the week ends to try to get taxes and still come back here next term but I want you to know that Senator Corrigan is an employer of labor. He is not an employee. And when any vote is taken here today, I would ask for a division.

Mr. GOUDY: Mr. President, I wasn't born with a silver spoon in my mouth and I have supported myself by the sweat of my brow ever since I was twelve years old, and during that time we have had our labor organizations in the state of Maine and those labor organizations were headed and supervised by local citizens of the state of Maine. But it has come about during the last few years that outside grafters and racketeers have seen an opportunity to commercialize on the efforts of labor, and I say now that the personnel that comprises the controlling factor in labor today are not local citizens of the state who have the interests of labor at heart but are certain individuals who are trying to commercialize on the effort of hard labor. The workers in the state of Maine are perfectly satisfied and then out of a clear sky comes this commercialize effort from outside the state trying to breed discontent, and I feel that the passage of this order would dignify them to the extent to which they should not be dignified. And I hope that when this Senate takes a vote on this order it will be so overwhelmingly against it that the people of Maine will recognize that we are willing to leave our destiny up to the leaders in the state of Maine and that we do not wish for outsiders to come in here and try to dictate our policies.

Mr. FORTIN: Mr. President and members of the Senate, I have nothing to say. I beg to be excused from voting when the vote is taken, for personal reasons. I am in business. I cater to the workers, which I have a lot of respect for and I cater to the manufacturers, and I beg to be excused from voting.

Mr. MALIAR of Androscoggin: Mr. President and members of the Senate, I again ask for a tabling of the amendment and the bill, and ask for a division.

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

Mr. CORRIGAN: The Senator from Cumberland spoke about these outsiders coming in here. Well, Mr.

President, that is nothing new. That is the same old story wherever they start to organize labor, it has always been the objection to the fellow outside. If the united shoe manufacturers over here, or any large corporation in this state, want to go to New York or Philadelphia or somewhere and hire a good slick, smart lawyer, there are no objections and they go and hire him wherever they want to. But just the minute the workers in Maine decide to take advantage of the expert knowledge of the leaders of labor from other sections of the country, from Massachusetts, for instance, where these fellows are from, immediately a howl rose up about the outsider coming in to tell us what we have to do. That is just so much stuff that is all. Nothing to that stuff at all. It has been raised against labor for years and years.

In Colorado a number of years ago, John D. Rockefeller—I have been over the ground and no one can tell me anything about this—he objected to the United Mine Workers of America coming there and organizing a miners' union. But they organized the miners and got things in shape and started to call for a decent wage and decent conditions, but Mr. Rockefeller didn't see fit to do it. What did he do? He sent to Boston, New York, Baltimore and Chicago and hired all the thugs and gunmen he could get and put the uniforms of the state militia on them, and they slaughtered them by the dozens, and there were 13 women and children burned alive at the same time John D. Rockefeller was giving out his Bibles.

There is nothing to it. These men are simply taking advantage of the expert knowledge of these fellows. He says there is no dissatisfaction. I say that you cannot get 6500 people from Lewiston and Auburn to come from the factories and demand better conditions unless there is dissatisfaction. It is an old story. Why not put a bridge across Kittery and not let anyone in? Some think that now Maine is not a part of the Union.

Mr. WILLEY: Mr. President, I do not think there are any two members of this Senate who have done any more hard, manual labor than my colleague, Senator Goudy, and myself. I respect Labor's right to organize. I respect property

rights. I respect the rights of those who do not want to organize, and as I said before, the Governor has this matter well in his eye and he is watching it. He has said that he will do all the Senate has asked. He will protect property. He will protect labor. He will protect the labor organizations. He will protect all those who want to work. Now, if other people come here and organizers, outsiders come in, I do not think we can object to it. I do believe the matter is covered by the governor's statement. Again I ask indefinite postponement of this matter.

Mr. CORRIGAN: In practical application, you don't know anything about this. May I ask the Senator a question—has the Senator from Cumberland, Senator Willey ever been on strike?

Mr. WILLEY: No, but I have spent many hours looking for work.

Mr. CORRIGAN: There are a lot of them besides you. They made a ruling in Lewiston that you cannot get within 500 feet of the factory. The practical application of the situation in Lewiston and Auburn means that you have not the right to picket, which is conceded in other cities. If you cannot get within 500 feet, you cannot persuade them to go to work. Is it using labor fairly?

Mr. WILLEY: In answer to that, as to whether it is denying the right to picket—it is not denying the right of labor to picket. It is restricting the right to picket within 500 feet of the property.

Mr. CORRIGAN: No, it does not, because in the practical application—if you are within 500 feet of the picket and you are asking someone about taking your job and a cop says, "You can not talk with that fellow because you are within 500 feet of him," you can not talk with him about the job, can you?

Mr. WILLEY: If you are asking me the question, I will say that I have no trouble making anyone hear me within 500 feet.

Miss MARTIN: I am a bit confused as to whether this is a Senate order or a joint order, Mr. President.

The PRESIDENT: It is a joint order.

Miss MARTIN: Mr. President, I might say it is rather foolish to pass a joint order, when the House has already turned down a similar one.

The PRESIDENT: The question is on the pending motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "A" to the Joint Order Relative to Present Labor Disagreement in Lewiston and Auburn, be indefinitely postponed.

Mr. WALSH: Mr. President, I think I have previously asked for a division of the Senate.

A division of the Senate was had. Twenty having voted in the affirmative and two opposed, the motion to indefinitely postpone Senate Amendment "A" prevailed.

Mr. WALSH: Mr. President, am I right in supposing that members of the Senate must vote on a division?

The PRESIDENT: The Chair has admonished the Senators a number of times that on pending questions each member of the Senate should vote, under the rules of the Senate. Other than that, the Chair does not wish to express itself. The pending question is on the indefinite postponement of the joint order. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-two having voted in the affirmative and two opposed, the joint order was indefinitely postponed.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "Ought to Pass in New Draft (S. P. 491) on Bill, An Act to Amend the Charter of Lucerne-In-Maine Village Corporation, (S. P. 182) (L. D. 447)", tabled by that Senator on April 2nd, pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted, and the bill was laid upon the table for printing under the joint rules.

Mr. FERNALD of Waldo: Mr. President, out of order and under suspension of the rules, I ask unanimous consent to introduce a resolve, and after the Secretary has read the title I will explain it.

The PRESIDENT: The Senator from Waldo, Senator Fernald, asks unanimous consent to introduce a resolve. The Secretary will read the title, off the record.

Mr. FERNALD: Mr. President, and members of the Senate. Two years ago we had a proposition before the Judiciary Committee on the automobile liability law, and at

that time we reported the bill out to a recess committee, and that is the way we handled it two years ago. This year we had two matters relative to workmen's compensation. They were matters requiring some time. Mr. Garcelon is working on them. We are reporting them out of the Judiciary Committee unanimously for a recess committee to be set up, just the same as was done on automobile liability. In the House this morning, Mr. Philbrook introduced the other workmen's compensation bill and unanimous consent was given there. Mr. Philbrook is the author of them and they are modeled after the compulsory insurance proposition. I think, as a matter of fact, they are Senator Corrigan's original bill. This resolve provides that a committee of nine shall be appointed, three in the Senate appointed by the President, those in the House to be appointed by the Speaker, and three to be appointed by the Governor, representing labor, employees, employer, etc. So, in behalf of the Judiciary Committee who is unanimously for this, the other has been received in the House—I ask that this be received, which sets up a recess committee to make a study of the workmen's compensation act. I believe they report back to the next legislature, because that was the notion in the automobile liability bill. If anyone wants it read, I have no objections, of course.

Miss MARTIN of Penobscot: Mr. President, do I understand two recess committees are set up?

Mr. FERNALD: Yes, two committees. They are two different subjects. There is no compensation paid. The thought was that it was too big proposition to set up for one group to do it. We thought where we were going to ask them to do it for nothing, it would be better to make two committees and then everyone can do a good job and bring in something worth while. They are different, and that was the point in having two committees.

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

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

Mr. SPEAR: Mr. President, I

would like to know if expense is allowed and if there is any limitation.

Mr. FERNALD: As I understand it, the last thing says that they shall receive actual expense—of course they couldn't pay the six who are members of the legislature—but just actual expense and that is subject to the approval of the Governor and Council.

Thereupon, unanimous consent was given for the introduction of Resolve Creating a Recess Committee on a State Fund for Workmen's Compensation. (S. P. 503)

Upon motion by Mr. Spear of Cumberland, the resolve was laid upon the table pending first reading.

Mr. ASHBY of Aroostook: Mr. President, yesterday, at the request of Mr. Smith of the Civic League, I introduced an order or I asked to introduce an order by unanimous consent. At that time Senator Willey requested that I hold it so he could look it over. I will yield to Mr. Willey.

Mr. WILLEY of Cumberland: Mr. President, I have read that order. Although it was prepared, I believe, under the supervision of one of the outstanding radio experts in America, I am thoroughly convinced that under the order anyone could be apprehended for running a vacuum cleaner provided the brushes happened to be dirty or the armature in the machine a little loose. I think that the members will feel that we could not adopt such a thing. In the interest of expediting matters, I will object to unanimous consent, although if there is any other Senator who feels it is a matter that deserves consideration I will withdraw and yield to him.

The PRESIDENT: We are proceeding under Orders of the Day. The Chair calls the attention of the Senate that there are a number of tabled matters on the calendar.

On motion by Mr. Hussey of Kennebec the Senate voted to take from the table, Senate Report from the Committee on Inland Fisheries and Game "Ought Not to Pass" on an Act Relating to a Bounty on Hedgehogs, (H. P. 172) (L. D. 260), tabled

by that Senator on March 26th pending acceptance of the report.

Mr. HUSSEY: Mr. President, I move we substitute the bill for the report, and in explanation of same, I might say that I would like to attach to this bill, Senate Amendment "A", which is an amendment which will suspend the bounty on porcupine for two more years. For the last four years a bounty on porcupines has been suspended. This year we thought it would be a proper time to take the statute off the books. There seems to be some opposition to having it taken off the books, but during these stringent times some of the members have signified to me that they would be glad to get along with suspension of it for two more years. Members of the fish and game have also signified their intention to support this amendment.

Thereupon, the bill was substituted for the report, and Senator Hussey offered Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to Legislative Document 260. Amend said act by striking out everything after the enacting clause and substitute in place thereof the following: 'Section 1. Revised Statutes Chapter 38, Section 78 suspended. The provision of Section 78 of Chapter 38 of the Revised Statutes relating to the bounties on porcupines and hedgehogs are hereby suspended until June 30, 1939. Section 2. Chapter 249 suspended. The provisions of Chapter 249 of the Public Laws of 1931 relating to payment of bounties on porcupines are hereby suspended until June 30, 1939.'

Senate Amendment "A" was adopted and the bill was given its first reading, and tomorrow assigned for second reading.

Mr. FERNALD of Waldo: Mr. President, may I inquire how many matters we have on the table?

The SECRETARY: There are 27 formerly tabled and four tabled today. Thirty-one in all, on the table.

On motion by Mr. Lewis of Lincoln, the Senate voted to take from the table, An Act Relating to Lobster Fishermen's Licenses, H. P. 1572) (L. D. 624), tabled by that Senator on April 8th pending adoption of House Amendment "A"; and

on further motion by the same Senator, House Amendment "A" was adopted in concurrence, and the bill was given its second reading.

On motion by Miss Martin of Penobscot, the bill was laid upon the table pending passage to be engrossed in concurrence.

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

On motion by Mr. Corrigan of Washington

Adjourned until tomorrow morning at ten o'clock.