

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

## SENATE

Thursday, April 15, 1937.

Senate called to order by the President.

Prayer by the Reverend L. L. Dunn of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes, for the Fiscal Years, Ending June 30th, 1938 and June 30, 1939." (S. P. 481) (L. D. 899)

(In Senate April 12th, Senate Amendments "E" and "H" indefinitely postponed in concurrence, and the bill passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Hussey of Kennebec, under suspension of the rules, that Body voted to reconsider its former action taken on April 12th whereby the bill was passed to be engrossed in concurrence, and House Amendment "A" was read.

Mr. FERNALD of Waldo: Mr. President, I rise to oppose this procedure, feeling, as I do, and realizing, as I do, that it is the most glaring example of legislative tyranny over the budget of Maine ever attempted to be perpetrated in our history. It is a tyranny of the majority of the legislature supporting the tyranny of the Committee on Appropriations and Financial Affairs who submitted to us a document for our consideration, which document under our form of government should be orderly, and fairly considered and discussed, a document which we are told is infallible, and to my mind it is the first time that I have heard it suggested that any matter before the state legislature of this state or any other state is infallible.

Now, we know that really and truly away down deep in our hearts a majority of the legislature feels that reasonable and economical reduction in the budget should be

made. There is no doubt what the people of Maine think about this. We also know that a majority of the legislature of Maine, if they really had the opportunity of expressing themselves without any element, without any other proposition being considered, on the proposition of cutting the budget or superimposing on the people of Maine new taxes, we know what the choice would be, we know what the decision would be. But, be that as it may, we are refusing here, as we did in the last few days, to calmly consider in a businesslike manner the budget for the next two years, and now we are saying the people of Maine can not speak on this subject, because we know what the verdict of the people would be. And if the people of Maine are not permitted to speak on this budget this year they will speak in no uncertain terms in 1938.

This is tyranny, and tyranny can not continue to exist in America. Probably many of you do not realize that on yesterday we commemorated in the nation the 194th anniversary of the birth of Thomas Jefferson. Jefferson was the founder of democracy in America as George Washington was the founder of our republic. Jefferson was the genius of freedom. He summed and applied in his political and private life thousands of years of man's aspirations. Jefferson was the genius of individual conscience. Jefferson was the revolt of the humble man against all forms of tyranny. Jefferson combined the finest instincts of a cultural aristocrat with the finest aspirations of a democrat. And, mind you, Jefferson, as history tells us, took the greatest oath that has ever been taken by a human man: "I have sworn upon the altar of God Eternal, hostility against every form of tyranny over the mind of man."

And in that spirit, the spirit of Jefferson, we should proceed under this, a democratic form of government, and it is for this purpose and carrying out that spirit enunciated by Thomas Jefferson, that spirit which is fundamental to our form of government, that I rise to oppose this procedure in the carrying out and enacting of the budget, a procedure that never before occurred in the budget history of the state of Maine.

And the future of this state will show that on the act we are perpetrating today it will go down in history as a turning point, and I want to stand here and say that I am for the turning point to be to the right.

Mr. HUSSEY: Mr. President, I would like to take a few moments to explain the reasons for amendment "A". As pointed out in our amendment, the laws passed by this legislature do take effect ninety days after passing and if this is passed and signed on the 15th of this month, the present date, it would be the 15th of July before it would go into effect without an emergency clause. The end of our fiscal year is June 30th of this year. If, for any reason, the budget was held up and our appropriations were held up on account of not going into effect before the 15th of July, it would leave the state in a very embarrassing position, in that this money would not be available to pay such bills as are due against the state. If this were prolonged even a longer time, such as adjournment two or three or more days from now it would make the case very serious.

It was with that thought in mind, and that only, that this emergency clause was put on. I feel that this amendment should receive passage and should be based upon the duty of this legislature to appropriate moneys for the next two fiscal years. The appropriations bill has had the utmost thought put on it. The entire committee has gone over the entire appropriations and they are very sincere when they express to you in their report their undivided opinion that this appropriation should pass this legislature as it is, with this amendment.

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

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

Mr. FERNALD: I would like to ask the Senator from Kennebec, Senator Hussey, if he can tell me the effective date that the budget in 1935 went into effect in that year?

Mr. HUSSEY: Mr. President, I

would like to state in a roundabout way of answering that never before has the appropriation bill been held up as long as the present one. We have always had it out at least a month before the present time.

Mr. FERNALD: May I ask the Senator through the Chair what that has to do with it? In other words, if the budget is passed the first day of the legislature or the last day of the legislature what effect does that have upon the date that it goes into operation and becomes effective as a law?

Mr. HUSSEY: I believe the Senator understands that laws passed by this legislature become effective ninety days after they are signed.

Mr. FERNALD: As I understand it, it is ninety days after the legislature has adjourned, Mr. President.

Mr. HUSSEY: The Senator is correct.

Mr. FERNALD: Now Mr. President, my question is what difference does it make as to the effective date of the budget whether it is passed the first day of the legislature or the last day of the legislature?

Mr. HUSSEY: Well, if it is passed the last day of the legislature, if the legislature adjourned today, it wouldn't go into effect until the ninety day period, without the emergency clause put on it, which would bring it to July 15th.

Mr. FERNALD: But if we passed this budget on January 8th of this year, the Senator's contention is that it would now be in effect because ninety days would have elapsed since then?

Mr. HUSSEY: I might say that I figure ninety days from the date it is signed by the Governor.

Mr. FERNALD: Well, Mr. President, I believe the Senator is in error and it doesn't make any difference when we pass the budget, it isn't going into effect until ninety days after the legislature adjourns.

Now, the point I want to make is that this is not the first time that we have passed a budget that has gone into effect after July 1st and on those years we never thought of imposing an emergency.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Hussey that the Senate adopt in concurrence, House Amendment "A" to Legislative Document 899.

Thereupon, House Amendment "A" was adopted in concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that the bill as amended by House Amendment "A" be passed to be engrossed in concurrence?

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

A division of the Senate was had.

Twenty-nine having voted in the affirmative and three opposed, the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Provide for a System of Personnel Administration in State Employment; to Create a State Personnel Board, and a Director of Personnel; and to Define the Powers, Duties and Proceedings of Such Board and Director." (S. P. 485) (L. D. 970)

(In Senate on April 13th, passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto, and as further amended by Senate Amendments "B" and "C".)

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

In the Senate, on motion by Miss Martin of Penobscot, under suspension of the rules, that Body voted to reconsider its former action, taken on April 13th, whereby the bill was passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto and as further amended by Senate Amendments "B" and "C"; and on further motion by the same Senator, House Amendment "B" was read and adopted in concurrence.

Thereupon, Mr. Ashby of Aroostook offered Senate Amendment "D" and moved its adoption: "Senate Amendment D to Legislative Document 970. Amend said act by adding at the end of Section 7 a new paragraph properly numbered as follows: 'chief deputy and division chiefs under the Commissioner of Agriculture in the Agricultural Department'."

Senate Amendment "D" was adopted.

Thereupon, the bill as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto, and as further amended by Senate Amendments "B" and "C", and as further amended by House Amendment "A", and as further amended by Senate Amendment "D", was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. FERNALD: Mr. President, may I inquire, through the Chair, of the Senator from Penobscot, Senator Martin, just who comes under this bill now? I think most everybody has been exempted.

The PRESIDENT: The Senator from Penobscot, Senator Martin, may answer if she desires, through the Chair.

Miss MARTIN: Mr. President, I think the Senator's question answers itself.

Mr. FERNALD: Mr. President, I thank the Senator. I find that the Senator and myself are in agreement again.

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 April 9th, House Amendment "A" indefinitely postponed, and bill passed to be engrossed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill as amended by House Amendment "A" was passed to be engrossed, and asking for a Committee of Conference, the Speaker having appointed as members of such committee: Mr. Dutil of Lewiston, Mr. Boucher of Lewiston, Mr. Dow of Norway.

In the Senate, that Body voted to insist on its former action and join with the House in a Committee of Conference. The Chair appointed as members of such committee on the part of the Senate, the Senator from Androscoggin, Senator Malliar; the Senator from Cumberland, Senator Spear; and the Senator from Androscoggin, Senator Fortin.

From the House:

Bill "An Act Relating to County Accounts." (H. P. 1864) (L. D. 1033)

Comes from the House, having

been reported to that body by the House Committee on County Estimates as authorized by Joint Order, (H. P. 1785), and under suspension of the rules, having been read three times and passed to be engrossed without reference to a committee.

In the Senate, the bill was read once, and under suspension of the rules, was read a second time and passed to be engrossed, without reference to a committee, in concurrence.

At this point, the Senator from Sagadahoc, Senator Sewall was escorted to the Chair, the President retiring.

From the House:

The Committee on Taxation on bill, "An Act to Impose a Tax on the Sale of Cosmetics" (H. P. 1321) (L. D. 486), reported that the same "Ought Not to Pass".

In the House, the report was read and accepted.

In the Senate:

Mr. ASHBY of Aroostook: Mr. President, it seems to be the prevailing opinion in both the House and Senate that most every other tax is preferable to a sales or income tax and that by imposing a few of the minor taxes and the aggregate could make up for all the necessary money that we would have to have and I think that view was shared in by most every member of the House and a considerable number of the members of the Senate, and in view of that view I am going to move to substitute the bill for the report.

The motion to substitute did not prevail.

The PRESIDENT pro tem: The question is now on the acceptance of the report "Ought Not to Pass."

Thereupon, the "Ought Not to Pass" report of the committee was accepted in concurrence.

From the House:

The Committee on Education on bill, "An Act to Guarantee a Minimum Educational Program and to Provide for the Equalization of Educational Opportunity for the Youth of the State of Maine," (H. P. 348) (L. D. 112) together with Resolution (H. P. 1332) and Petitions (S. P. 224) (S. P. 388) (S. P. 411) in favor of said bill, and Remonstrance (S. P. 412) against said bill, reported

the same in a new draft (H. P. 1821) (L. D. 955) under the same title and that it ought to pass.

In the House, the report was read and accepted and under suspension of the rules, the bill given its three several readings and passed to be engrossed.

In the Senate, on motion by Mr. Cook of Somerset, the report was accepted in concurrence and the bill given its first reading.

Thereupon, the same Senator presented Senate Amendment "A" and moved its adoption: "Senate Amendment A to Legislative Document 955. Amend said bill by striking out in the sub-section numbered 111 of Section 11 of said bill, the second paragraph thereon."

Mr. COOK of Somerset: Mr. President and members of the Senate, this amendment in no way changes the amount of the bill but does admit between thirty and forty other towns. It is the section that reads as follows: "No town shall be eligible to share in equalization aid unless its tax rate for all purposes for the current year shall exceed the average of rate for the state as determined by the Bureau of Taxation."

It makes the bill a better bill. It makes the equalization of money as allocated purely on the basis of school needs.

Senate Amendment "A" was adopted.

Thereupon, on further motion by the same Senator under suspension of the rules, the bill was given its second reading.

Mr. SPEAR of Cumberland: Mr. President, I move that the bill be laid upon the table.

The motion to table did not prevail.

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

Sent down for concurrence.

### House Bill in First Reading

The Committee on Judiciary on bill "An Act Relative to Termination of Registration of Motor Vehicles," (H. P. 874) (L. D. 311) reported the same in a new draft (H. P. 1840) (L. D. 991) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

From the House:

The Committee on Pensions on bill "An Act to Provide for Old Age Assistance," (S. P. 37) (L. D. 4) reported the same in a new draft (H. P. 1863) (L. D. 1029) under the same title and that it ought to pass.

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

In the Senate, the report was read and accepted in concurrence and the bill given its first reading.

House Amendments "A" and "B" were read and adopted in concurrence.

Thereupon, Mr. Friend of Somerset offered Senate Amendment "A" and moved its adoption: "Senate Amendment A to Legislative Document 1029. Amend said bill by striking out in the third line of Section 18 thereof the figures '\$2,000,000' and inserting in lieu thereof the figure '\$1,400,000.'"

Mr. FRIEND: Mr. President, in explanation of this amendment I would say that about three weeks ago the attention of the committee was asked to make a recommendation of what they considered a fair amount for the state to raise in old age pensions and the committee got together and the figure of \$1,400,000 was unanimously agreed upon. And ever since then, until yesterday, that has been the figure which has been considered by the Committee on Taxation and by the legislature and the Appropriations Committee.

A day or two ago some members of the Pensions Committee got together, not all of them because I know that the three Senate members of the committee, are not, as yet at least, in favor of the \$2,000,000 appropriation for pensions, but a certain number of the members of the committee, not including the Senate members, got together and voted that the figure should be \$2,000,000. They reported the bill out into the House with that figure. The \$2,000,000 figure would necessarily, and practically absolutely, mean the passage of the sales tax to take care of it. Now, if the sales tax was passed I would be strongly in favor of \$2,000,000 or more for old age pensions but until the sales tax is passed I think the original figure of the committee, \$1,400,000 would be the best.

However, I have understood from the figures which have been presented before the legislature, that the figure of \$1,400,000 would take care of the old age pensions by this state as well as, if not better than, the rest of the states of the Union on the average.

Therefore, I submit this amendment and hope that it will be adopted.

Miss MARTIN: Mr. President, I would like to ask the Senator from Somerset, Senator Friend, whether it is his understanding that this contemplates \$1,400,000 for this year and \$2,000,000 for the second year of the biennium, or whether it is merely \$1,400,000 for each.

Mr. FRIEND: Mr. President, this is just a recommendation of the Appropriations Committee and I would rather have the idea \$1,400,000 a year for both years unless the sales tax bill is passed, and in that case \$2,000,000.

Miss MARTIN: May I have the amendment again read?

The Secretary again read the amendment.

Miss MARTIN: Mr. President, may I offer a verbal amendment to the amendment?

The PRESIDENT pro tem: The Senator may.

Miss MARTIN. Mr. President, I would like to amend Senate Amendment "A" by inserting after the word 'third' the words 'and fourth' so that the amendment as amended will read, "Amend said bill by striking out in the third and fourth lines of Section 18 thereof the figures '\$2,000,000' and inserting in lieu thereof the figure '\$1,400,000.'"

Mr. SPEAR of Cumberland: Mr. President, as one of the members of the Pension Committee on the part of the Senate, I would like to say a few words in support of the Senator from Somerset, Senator Friend. This bill is Senator Friend's bill in new draft and something new in legislation happened to this bill in committee, which is legal but I never heard of it before. We did vote and we did agree on \$1,400,000 for each year of the next two years, and then a few members got together and decided that they didn't understand what it was all about and they reported a Senate bill out of the committee into the House signed by one member and said it was a unanimous report. Of course it wasn't a unanimous report because, two members, I am sure,

weren't there, of which I was one. But I want to go on record in supporting everything that Senator Friend has said in regard to this bill and I hope that his motion will prevail.

Mr. FERNALD: Mr. President, I think we all realize that Senator Friend is the authority of pensions in the Senate and if I may, I would like to ask him a question through the Chair.

The PRESIDENT pro tem: The Senator may ask his question through the Chair and the Senator from Somerset, Senator Friend, may answer if he so desires.

Mr. FERNALD: Mr. President, I understand the position of the Senator is that if we adopt his amendment, which provides for \$1,-400,000 each year for old age pensions, that that will place the state of Maine on as high a standard in the granting of old age assistance as any state in the Union.

Mr. FRIEND: Mr. President, I will say in answer to the Senator that that is my understanding from information I have received from sources which I have not checked.

Mr. FERNALD: I thank the Senator.

The PRESIDENT pro tem: The question before the Senate is on the adoption of the verbal amendment to Senate Amendment "A" offered by the Senator from Penobscot, Senator Martin.

Thereupon, Senate Amendment "A" to Senate Amendment "A" was adopted; and Senate Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

The rules being suspended, the bill was given its second reading and passed to be engrossed as amended by House Amendments "A" and "B" and as further amended by Senate Amendment "A" as amended by the verbal Senate Amendment "A" thereto, in non-concurrence.

Sent down for concurrence.

Paper from the House disposed of in concurrence.

At this point the President resumed the Chair, Mr. Sewall of Sagadahoc retiring amidst the applause of the Senate.

From the House:

The Committee on Appropriations and Financial Affairs on bill "An Act Relating to the State Rac-

ing Commission," (H. P. 1502) (L. D. 646) reported the same in a new draft (H. P. 1862) (L. D. 1014) under a new title, Bill "An Act Relating to a State Racing Commission," and that it ought to pass.

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate, recommended to the Committee on Appropriations and Financial Affairs in concurrence.

From the House:

The majority of the Committee on Public Utilities on bill "An Act Exempting Trucking of Farm Produce and Certain Lumbering Products from the Common Carrier Law," (H. P. 1624) (L. D. 751) reported the same in a new draft "B" (H. P. 1829) (L. D. 979) under the same title, and that it ought to pass.

(Signed)

Goudy of Cumberland  
Tabbutt of Columbia Falls  
Parsons of Hartford  
Packard of Houlton  
Batchelder of Parsonsfield  
Webber of Auburn  
Martin of Oakland

The minority of the same Committee on the same subject matter reported the same in a new draft "A" (H. P. 1830) (L. D. 980) under a new title, bill, "An Act Exempting Certain Lumbering Products from the Common Carrier Law," and that it ought to pass.

(Signed)

Willey of Cumberland  
Graves of Hancock  
Noyes of Franklin

Comes from the House, the majority report accepted, and the bill as amended by House Amendment "B" passed to be engrossed.

In the Senate, on motion by Mr. Worthen of Penobscot the majority report "B; Ought to Pass in New Draft" was accepted in concurrence and the bill was given its first reading.

Thereupon, on further motion by the same Senator House Amendment "B" was read and adopted in concurrence; and under suspension of the rules the bill in new draft "B" was given its second reading and passed to be engrossed as amended by House Amendment "B" in concurrence.

From the House:

The majority of the Committee on Public Utilities on bill "An Act Relating to the city of Hallowell."



(H. P. 1721) (L. D. 982) reported that the same ought not to pass.

(Signed)

Wiley of Cumberland  
Goudy of Cumberland  
Graves of Hancock  
Parsons of Hartford  
Tabbut of Columbia Falls  
Webber of Auburn  
Batchelder of Parsonsfield

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

(Signed)

Packard of Houlton  
Noyes of Franklin  
Martin of Oakland

Comes from the House, the majority report accepted.

In the Senate, on motion by Mr. Worthen of Penobscot, the majority report "Ought Not to Pass" was accepted in concurrence.

#### First Reading of Printed Bills

"Resolve Providing for the Payment of Certain Pauper Claims." (S. P. 512) (L. D. 1036)

Which resolve was read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

#### Reports of Committees

Mr. Burkett from the Committee on Pensions on bill "An Act to Provide Old Age Assistance and to Make an Appropriation Therefor," (S. P. 362) (L. D. 615) reported that the same ought not to pass, as subject matter is covered by other legislation.

Mr. Spear from the Committee on Salaries and Fees on bill "An Act Increasing the Amount Paid for Clerk Hire in the Office of the County Attorney of Aroostook County," (S. P. 268) (L. D. 452) reported that leave be granted to withdraw the same.

The same Senator from the same Committee on bill "An Act Relating to Compensation of the County Attorney of Aroostook," (S. P. 269) (L. D. 453) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Marden from the Committee on Library on bill "An Act Relating to Vital Statistics," (S. P. 189) (L.

D. 288) reported that the same as amended by Senate Amendment "A" ought to pass.

Which report was read and accepted, Senate Amendment "A" was read and adopted, the bill read once and under suspension of the rules read a second time and passed to be engrossed, as amended by Senate Amendment "A".

Sent down for concurrence.

Mr. Tompkins from the Committee on Education on the following Resolves:

(S. P. No. 309) Resolve, in Favor of Corinna Union Academy.

(H. P. No. 661) Resolve, in Favor of Lebanon Academy.

(H. P. No. 851) Resolve, in Favor of Hampden Academy.

(H. P. No. 1089) Resolve, in Favor of Parsonsfield Seminary.

(H. P. No. 1090) Resolve, in Favor of Limington Academy.

(H. P. No. 1282) Resolve, in Favor of Berwick Academy.

(H. P. No. 1493) Resolve, in Favor of Robert W. Traip Academy.

reported the same in a consolidated resolve (S. P. 514) under a new title, "Resolve in Favor of Several Academies, Institutes and Seminaries," and that it ought to pass.

Which report was read and accepted, and the resolve laid upon the table for printing under the joint rules.

The majority of the Committee on Temperance on bill "An Act Relating to Local Option Provisions," (S. P. 295) (L. D. 499) reported the same in a new draft (S. P. 515) under the same title, and that it ought to pass.

(Signed)

Tompkins of Aroostook  
Marden of Kennebec  
Littlefield of York  
Meserve of Sebago  
Maxell of Orient  
Stilphen of Dresden

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

(Signed)

Dow of Kennebunkport  
Wyman of Benton  
Sleeper of Rockland  
Hamel of Lewiston

The majority report "Ought to Pass" was accepted and the bill was laid upon the table for printing under the joint rules.

Mr. Graves from the Committee on Ways and Bridges on "Resolve Relating to a State Highway Planning Survey and Planning Committee," (S. P. 300) (L. D. 498) reported that the same ought to pass.

Which report was read and accepted, the resolve read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

#### Passed to be Enacted

"An Act to Provide for the Perambulation of the Maine and New Hampshire Boundary Line." (S. P. 345) (L. D. 614)

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

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

"An Act Relating to the Salary of the Judge of the Old Town Municipal Court." (H. P. 1744) (L. D. 859)

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

"An Act Relating to the Gasoline Tax." (H. P. 1827) (L. D. 971)

"An Act Relating to the Gasoline Tax." (H. P. 1828) (L. D. 973)

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

#### Finally Passed

"Resolve for the Construction of Bunters Along Austin Stream." (H. P. 1629) (L. D. 773)

#### Orders of the Day

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, "Ought Not to Pass" on bill, An Act Relating to Civil Service Examinations of Employees under the State Liquor Commission, (S. P. 266) (L. D. 449), tabled by that Senator on April 5th pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary,

Minority Report, "Ought to Pass in New Draft", new title, (S. P. 497) Majority Report, "Ought Not to Pass" on bill, An Act to Provide for the Nomination of Candidates for Elective Office, (S. P. 394) (L. D. 733); tabled by that Senator on April 7th pending acceptance of either report; and on further motion by the same Senator, the majority report, "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table, Resolve Creating a Recess Committee on Compensation for Occupational Diseases, (H. P. 1852) (L. D. 1004), tabled by that Senator on April 12th pending granting unanimous consent for introduction; and on further motion by the same Senator, unanimous consent was granted for the introduction of the resolve.

Mr. FERNALD of Waldo: Mr. President, may I inquire from the Secretary whether or not this is the bill that sets up a commission of eight—if the membership is eight?

(The Secretary read that portion of the resolve which pertained to the appointment of a commission of eight members.)

Mr. FERNALD: Mr. President and members of the Senate, I am not seriously concerned about this matter, but on the matter of setting up the committee, we generally set up an odd number and it would seem to me it should be three from the Senate, three from the House and three appointed by the Governor and Council, or, if there is any jealousy—two from the Senate and four from the House and three from the Governor and Council. In other words, it ought to be a committee of seven or nine. To bring the matter before the Senate, if you agree, I will make an oral amendment that the number from the Senate be three instead of two. If you do not agree with me, I will withdraw it.

Mr. HUSSEY of Kennebec: Mr. President, I'd like to ask a question of Senator Fernald, through the Chair.

The PRESIDENT: The Senator may ask his question, and the Senator from Waldo, Senator Fernald, may reply if he so desires.

Mr. HUSSEY: I was wondering

why this recess committee should be different from other recess committees. Less than a week ago one went through the legislature, creating the same number.

Mr. FERNALD: The answer is that I raised the question at the time of its introduction by the individual member who introduced it. I was not particularly interested one way or the other, and no action was taken on the thing. I thought I would raise the question on this as it seems to me the number should be nine, seven, five or three and not an even number,—but there is no use to argue about it.

Mr. HUSSEY: Mr. President, I believe while this is just a recess committee, it does not really set this committee up as a voting majority to determine upon a question which will enact itself into a law. Whether the recess committee reports five to three, or six to two, it should not make any great difference. The idea of the recess committee is really to delve itself into the various causes of occupational diseases which have come up over our state and to have a committee determine whether any law should be enacted covering this. It is just to report and I do not really believe it makes any difference whether the number is eight or nine.

The PRESIDENT: The pending question is on the adoption of the verbal amendment offered by Senator Fernald, that the membership on the part of the Senate consist of three instead of two. Is the Senate ready for the question?

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

Sixteen having voted in the affirmative and eight opposed, the motion prevailed, and the verbal amendment was adopted.

Thereupon, Mr. Hussey of Kennebec offered Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to Legislative Document 1004. "Amend said resolve by striking out the first paragraph thereof and substituting in place thereof the following: 'That there be, and hereby is, created a legislative recess committee to consist of three members of the Senate, three members of the House of Representatives, and three citizens of the state, not members of the Eighty-eighth legislature, at least one of whom shall represent labor and at least one of whom shall represent employers, all said members

to be appointed by the Governor with the consent of the Council, which committee shall be known as the Committee on Compensation for Occupational Diseases. Said committee shall meet as soon as convenient after appointment and organize by electing a chairman and secretary.' "

Thereupon, Senate Amendment "A" was adopted, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed as verbally amended and as further amended by Senate Amendment "A", in non-concurrence.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Outdoor Advertising (S. P. 333) (L. D. 597), tabled by that Senator on April 14th pending printing of the new draft; and on further motion by the same Senator, the bill was given its first reading.

Miss LAUGHLIN of Cumberland: Mr. President, and members of the Senate, as you can see, this new draft provides that the fees for billboards shall be at the rate of two cents per square foot. This, of course, does not cover signs on property owned by the person who erects the signs, as you will learn from Legislative Document 987, which we have already passed. It does not cover up to ten signs on that property that is occupied by the person doing business and who advertises that business, as you will see in Legislative Document 987—there is no permit required up to ten signs doing business which is carried on that property, but these fees apply only to billboards erected on property other than that on which the business is carried on.

The sole purpose of this bill is to make this regulation of billboards pay its way. There is no other purpose in it. Last year it cost the state of Maine, from figures in the Highway Department, \$12,134 for the enforcement of the regulations. There was received from billboards \$4,980. Consequently, the state of Maine went in the hole \$7,154 in enforcing this law. The purpose of this bill is to make them pay their way as everything else pays its way. We have set up a real estate board which will pay its way. The beauty parlors will pay their way by fees.

The osteopaths and the plumbers and everybody else will pay their way by fees, that is, pay the costs to enforce the law. The only interest that does not pay its way is outdoor advertising. The state of Maine went in the hole over \$7,000 last year in enforcing this law. Now, in figuring out about paying its way, of course, we are hearing from the outdoor advertising people that the amount suggested is too much,—two cents per square foot. This is the amount that the original bill, six years ago, was set at, two cents per square foot. Of course, I have heard since yesterday that the outdoor advertising people say that the salary of the men who enforce the law, is too much. Someone said his salary was \$3500 and they said they didn't think they ought pay more than \$2500. They are not only dictating what the regulations shall be, but they tell the Highway Commission what it shall pay its employees. I think we should call a halt. Even if we did reduce his salary, it would not meet the cost because, as I say, we went in the hole over \$7,000.

Of course, it is impossible to say just exactly what will be realized under this provision of two cents per square foot. But we can get a little idea in that the total number of permit fees, covering all advertising signs was 1,430. If we take on an average of that, 150 square feet—and a great majority of them are smaller signs—the return will be \$12,750, which will just about pay for the enforcement. If that were even 200 square feet, which is just an estimate, the return would be only \$17,000. Now, that would be more than the cost of enforcement as someone will say, but it would be very little more. After two years we could find what we would receive from this fee. If it did run a little more, I do not think we should feel very bad. If it did run a little more, we could take the difference and we might apply it to the deficit run into last year, so that the state of Maine would be made good for what it cost.

As I said, it is the sole object, to have the state of Maine receive as much as it costs them to regulate the billboards, and this is based on further estimates when the bill was first introduced, on the number of signs and permits that show, as far as we can estimate, that this would make the amount good.

I do not think we should start in by having it cost the state more than it receives in order to enforce the regulations that the past legislature has put on the billboards in the state. As I said, it applies only to those not situated upon the property upon which the business advertised is carried on.

Mr. WORTHEN of Penobscot: Mr. President, I have not any particular interest in billboards, but under the terms of the law passed two years ago, as I recall it, billboard owners had to move their signs back during a period of three years. I understand at the present time they are all moving a part of the signs back the required distance, which means an expense to them. It has been stated that the cost of administering this has been excessive. I do not think there is any question but what it can be administered by the Highway Department a great deal cheaper than it has been the past year. I have here an itemized figure showing the expense in the past year or so. The salary paid, instead of being \$3500 or \$2500 was—no, the inspector was paid \$3,120. The salary of Mr. Burnham was \$3,800. Personal expenses: \$944. Mileage: \$2,180.56. Another item was \$150.50.

Now this bill is aimed at big billboard people and not the small billboard people, and I claim in fairness, the small billboards are more of a nuisance than the larger billboards which are required under the law to be at a greater distance from the highway. If we are going to have billboards, let's give all the same privilege and not show partiality against the billboard people. I hope the Senator's motion will not prevail.

Miss LAUGHLIN: Mr. President, the Senator from Penobscot, Senator Worthen, says it is showing partiality against some of the billboard people. It is just the opposite. It is making them pay two cents per square foot for every sign except those erected on the property of the man who is doing the business he is advertising. The partiality was shown last year when, under the law, everyone paid \$1.00 for each sign, so if you had one of two square feet you paid \$1.00 and if you had one of 900 square feet you still paid \$1.00. The partiality came to the big billboards who, if they had 900 feet they were made to pay only \$1.00. Most of the big

ones were 500 feet and they paid just the same as those who had one foot. This is the fair and logical thing, that everyone pay exactly the same amount for the same amount of space.

There has been a proposal for charging per panel, that you pay exactly the same for one that is three feet or one that is 500 feet. It seems logical that they should all be charged alike and charged enough so the State of Maine does not have to pay a deficit.

The Senator from Penobscot, Senator Worthen, has said something about what it would cost to move the signs. I am more interested in what it costs the state of Maine to enforce the law than what it costs the billboard people to move the signs. 1,430 were the number of permits last year. In that connection, by the way, the state crews had to move 1400 signs. They had to check 1771 miles of highway and after that, to go over 1600 miles to move illegal signs. That costs money, and I would believe the Highway Commission knew better what it was doing than the billboard people, who think they can come in and dictate to the Highway Commission and say, "You spend too much. You pay the employees too much." I think we should accept the fact that the Highway Commission knew what it was doing. The one question is, are we going to make a gift to the billboard people by doing this service for them which costs the State of Maine \$7,000 over and above what it received, or whether we are going to protect the finances of the State by saying that the billboard people shall pay what it costs to enforce the law.

Mr. ASHBY of Aroostook: Mr. President, I hasten to arise because I can agree with the Senator from Cumberland, Senator Laughlin. It doesn't seem to me it would take a great deal of reasoning here—if we have got \$7,000 to pay for regulating these, I believe we can have something better than billboards. I do not see any reason why the state of Maine should pay \$7,000 for the opportunity to look at billboards scattered along the road. I hope the motion of Senator Laughlin will prevail.

Mr. FORTIN of Androscoggin: Mr. President, again the billboard people, I believe, are being imposed upon for many reasons. Two years ago, if I recall, under a compromise,

this billboard bill was passed and was passed with the idea that it would be self-supporting, that the necessary funds for the supervision and enforcement of the law would come from the fees that we judged at the time as being fair to everyone. At that time it was suggested, in order to carry out the provisions of the law, to appoint or assign two men from the highway department. But the idea was not advanced that these men would be paid exorbitant salaries.

Now you can all see that the expense created by the Department—certainly from my own experience in inspection work I would say it was exorbitant. If I heard Senator Worthen right, it was \$3,800 for one man's salary. Why, that is even more money than I earned in two years. Inspection work of signs doesn't require a graduate of the University of Maine. If the department has created new jobs which the bill, itself, made no provision for, and if they saw fit to add mileage and pay exorbitant salaries, I believe that is the fault of the Highway Department and not the billboard men.

Now, the expense of moving the signs—to me that is not the logical excuse. It was agreed in that bill that all the old signs that did not look good would be taken down within a certain period of time and the expense charged up to the Highway Department. I understand that the Highway Department did a beautiful job. They did remove along all our highways the eyesores we heard so much about during the passage of this bill two years ago. That expense will not come up this year. They have done a good job and that expense will not appear again. I would suggest that the Highway Department cut those salaries down to where they belong. \$2,000 is plenty of money for the job. I think I am going to apply for that job. I'd like to have somebody pay my mileage and pay me that salary to travel all over the State of Maine. It is a beautiful job and I envy those two inspectors. Now, that is where I believe the Highway Department should be advised to cut down expense. As Senator Ashby has said, it would be \$7,000 saved. They can save it without imposing upon an industry that is trying to survive and which has, once before during this session, been imposed upon. I cannot call

this discriminatory because I cannot make the word fit properly. The tax does not in any way help to clean up the signs because they are well controlled. The agreement of two years ago was not to cause any more burden on the sign people until, as Senator Laughlin has said, until the sign people had a chance, which I believe they have for three years, to move their signs back. The tax should not single out one medium of advertising. I wonder that it isn't possible to tax the radio or the newspapers—which I know cannot be done. Those are my arguments, against singling out these people, and as to the argument of the cost, I think we should reduce the cost of enforcement in the Highway Department, and not put it on the sign people. I hope the motion of Senator Laughlin does not prevail.

Miss LAUGHLIN: It is rather interesting to me to see how much more interested some members are in the billboard people than they are in the state of Maine. It is a question of whether the state of Maine is going into the hole to help them, or if they cannot pay their way. I am getting tired of hearing the idea that once we pass a bill it concludes it for all time. We passed the bill two years ago. We agree on that. We did a hundred other bills. We do not compromise forever. It was passed, the fees were fixed, and I was at the hearing although I was not a member of the legislature. When the fees were fixed we were assured by the billboard people that \$1.00 a panel was going to pay it all. You see how well they estimated two years ago, since we went in the hole \$7,000.

I am also interested to find how much the Highway Department is to blame and how well informed the billboard people are and how able they are to direct the affairs of the Highway Department of this state. As I said, I think the Highway Department knows how to conduct its affairs instead of being dictated to by the billboard people.

Now if it should happen, as I said before, that this raised a little more than it will take to enforce the law, which I do not believe it will, but if it should, we still have a deficit of over \$7,000 in the last two years, so we ought to get enough money to pay that off.

It is just a question whether we are going to protect the finances of

the state of Maine or whether we are going to save the money for the billboard interests, which I am frank to say I am going to call the cry-babies of the lobby. They say, "Don't make us pay it. Make the state of Maine pay it. Don't find fault with us. Find fault with the Highway Department." As I say, every other thing regulated is willing and glad to pay, and does pay.

There is one thing I want to say, and I say it with all deference—I do not know if any member of this Senate is interested with the billboards, but if so, I would like to remind the Senate that the people interested in the subject matter voted on, are not permitted to vote on that matter.

Mr. KENNEDY of Hancock: Mr. President, I wish to make a motion to lay this on the table to give me an opportunity to offer an amendment which I will have here at the next session of the legislature.

The motion to table did not prevail.

Mr. FORTIN of Androscoggin: Mr. President, I am very grateful for the kind advice of Senator Laughlin. I clearly understand my position as a member of this Senate. I also understand my rights and may I clarify my stand on the billboards? I am not interested nor under obligation and I am not acting as an agent to any billboard people. My sole interest in the billboard matter is, first, to be fair. Let us be fair to these people just as we would want to be fair to the Central Maine Power, the Maine Central and all other companies, the Lewiston Sun Journal, or any other.

My position also may be clarified somewhat by stating that I was one that was very much interested in the billboard bill of two years ago. Henry Bond was another, and Representative Bond and I were so interested that we gave a lot of time to studying the bill from both sides. I hope I have clarified my position on the billboards and my interest in the billboards.

While I am on my feet may I repeat that the fault of the extra expense of the enforcement of that law is not with the billboard people and it is common sense to put the blame where it belongs. I am not condemning the Highway Commission if they have made an error and you will all agree with me, I think, that a salary of \$3800 for an Inspector of Signs is too much

money. Now, I leave it up to you people. I would take the job, and I will offer myself right now and I will leave my business and properly enforce the sign law for half that money. That is how sincere I am in this matter. I offer myself, after adjournment, to enforce that law for half the money they are spending now and I will pay my own expenses. I hope to get the job.

Now, I just want to be fair and if any other matter arises wherein one particular industry is imposed upon or attacked I shall get up on my feet, whether it is billboards or any other. I just want to clarify my stand and I thank the Senator for the kind advice.

Mr. WORTHEN: Mr. President, I would like to ask a question through the Chair of the Senator from Cumberland, Senator Laughlin.

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

Mr. WORTHEN: What is the present tax on a uniform sized billboard and what would it be if this measure is enacted?

Miss LAUGHLIN: Now, it is simply one dollar for each billboard regardless of size and if this measure is passed it would be two cents a square foot.

Mr. WORTHEN: And how much in dollars would that be?

Miss LAUGHLIN: Well, as near as I can figure it, if the average per billboard is one hundred and fifty square feet it would bring in about \$12,700. Of course this is an estimate.

Mr. WORTHEN: And that would make the tax on each billboard how much?

Miss LAUGHLIN: It would depend on the size of the billboard. If the billboard were ten by twenty feet that would be two hundred square feet and at two cents a square foot it would be about four dollars. Probably all of you here took mathematics and you can figure it out for yourselves.

I will say that I am taking the average size as a hundred and fifty square feet per sign, although of course there are many larger ones, but taking the average of a hundred and fifty square feet, that would bring in about \$12,700 or

just about the cost for last year. If the average were two hundred square feet that would bring in about \$17,000 but I think that is too high for an average, because the majority of these signs are small ones. Of course, if we got a little more than we needed we could take the surplus to help pay up some of last year's deficit and then adjust it for the future.

Last year there were about fourteen hundred permits issued which would represent the number of billboards. Now, under the law they have to pay on only one-third of the billboards so if they paid on fourteen hundred, and only had to pay on one-third, presumably there were about four thousand billboards.

Mr. WORTHEN: I move the indefinite postponement of the bill.

Miss LAUGHLIN: Mr. President, I ask for a division.

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen opposed, the motion did not prevail.

Miss LAUGHLIN: Mr. President, I move that we accept the report of the committee "Ought to Pass" on this bill.

The PRESIDENT: The motion would be as to whether or not the bill be given its second reading at this time under suspension of the rules.

Miss MARTIN: Mr. President, would it be in order to make a motion to table at this time?

The PRESIDENT: The Senator would be in order.

Miss MARTIN: Mr. President, I would like to make that motion. I know that it is not debatable but this bill has not been printed and the Senator from Hancock, Senator Kennedy, wishes to offer an amendment and I think we should give him an opportunity.

Miss LAUGHLIN: Mr. President, if I may correct the Senator, I would say that this bill has been printed and has a document number.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Martin, that the bill be laid upon the table pending second reading.

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

Twenty-four having voted in the affirmative and three opposed, the bill was laid upon the table pending second reading.

The PRESIDENT: The Senate is proceeding under Orders of the Day. There are sixteen matters on the table and it is unlikely that we will have a session this afternoon. The Chair urges members of the Senate to take as many matters from the table at this time as possible because it is rather late in the session to have as many matters on the table as there are now.

Mr. ASHBY: Mr. President, I again wish to warn the Senate that everything that is on the table Saturday morning is coming off.

On motion by Mr. Cook of Somerset,

Recessed until this afternoon at four o'clock.

#### After Recess

The Senate was called to order by the President.

The following reports, out of order and under suspension of the rules:

Mr. Beckett from Committee on Claims on "Resolve in Favor of E. G. Hodgkins, of Carmel," (S. P. 318) reported that the same ought not to pass.

Mr. Blanchard from the Committee on Taxation on bill "An Act Relating to the Payment of Excise Taxes by Foreign Corporations," (S. P. 35) reported that the same ought not to pass as the subject is covered by other legislation.

Mr. Friend from the Committee on Ways and Bridges on bill "An Act Relating to the General Highway Fund and Defining Highway," (S. P. 301) (L. D. 497) reported that the same ought not to pass.

(On motion by Miss Laughlin of Cumberland tabled pending acceptance of the report, and especially assigned for tomorrow morning.)

The same Senator from the same Committee on bill "An Act Relating to Roadside Improvement," (S. P. 143) (L. D. 174) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Osgood from the Committee on Agriculture on Bill "An Act Relating to Production and Sale of Milk," and (S. P. 385) (L. D. 739) reported the same in a new draft, (S. P. 516) under the same title, and that it ought to pass.

Mr. Beckett from the Committee on Claims on "Resolve in Favor of Helen Newton Parker," (S. P. 166)

reported the same in a new draft (S. P. 517) under the same title, and that it ought to pass.

Mr. Friend from the same Committee on "Resolve in Favor of Certain Agricultural Societies," (S. P. 320) (L. D. 510) reported the same in a new draft (S. P. 518) under the same title, and that it ought to pass.

Mr. Graves from the same Committee on "Resolve in Favor of Anton R. Jordan of Osborne Plantation," (S. P. 41) reported the same in a new draft (S. P. 519) under the same title, and that it ought to pass.

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

On motion by Miss Martin of Penobscot, the Senate voted to reconsider its action taken earlier in today's session, whereby bill, An Act to Provide for a System of Personnel Administration in State Employment; to Create a State Personnel Board, and a Director of Personnel; and to Define the Powers, Duties and Proceedings of such Board and Director, (S. P. 485) (L. D. 970) was passed to be engrossed; and on further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "D" was adopted.

Miss MARTIN: Mr. President, I now move the indefinite postponement of Senate Amendment "D". I would state at the time it was presented I deferred to Senator Ashby's opinion, and thought that without doubt he had been in consultation with the Department of Agriculture and that they saw reason for having this particular amendment adopted. Since that time I have consulted with Commissioner Washburn and he sees no particular merit to this amendment and sees no reason for adopting it, so I would make that motion to indefinitely postpone it, and hope it will prevail.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Martin, that Senate Amendment "D" be indefinitely postponed.

Miss MARTIN: Mr. President, I ask for a division.

A division of the Senate was had.

Thirteen having voted in the affirmative and sixteen opposed, the motion did not prevail.



Thereupon, on motion by Mr. Ashby of Aroostook, Senate Amendment "D" was adopted, and the bill as amended by Senate Amendment "D" was passed to be engrossed.

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Outdoor Advertising (S. P. 333) (L. D. 597), tabled by that Senator earlier in today's session pending second reading.

MISS MARTIN: Mr. President, I move the bill be given its second reading.

Thereupon, Mr. Worthen of Penobscot, offered Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to Legislative Document 1035, entitled, bill, An Act Relating to Outdoor Advertising. "Amend said bill by striking out all after the second line of said bill and inserting the following in place thereof: 'Section 3. Fees. The fees for such permits shall be \$1.00 for each panel, bulletin or sign, the area of which does not exceed 100 square feet and \$2.00 for each bulletin, panel or sign, the area of which exceeds 100 square feet, payable annually in advance. A fee shall be paid for each side of each panel, bulletin or sign used or intended to be used in advertising, and each panel, bulletin or sign of a series shall require a permit and the payment of a separate permit fee, the aforesaid fees to be in lieu of all other taxes upon such panel, bulletin or sign.'"

MISS LAUGHLIN of Cumberland: Mr. President, of course I am opposed to the adoption of this amendment. I do not intend to argue it. We argued the matter this morning, and of course, it was tabled to give opportunity for further lobbying. As I have said, I do not intend to argue it. The amendment is ridiculous and does not improve the difficulty in any way, shape or manner. It would not make up the deficit. My only purpose was to get the state out of the hole in administering the law. It doesn't make any great difference whether it is at a loss of \$7,000 or \$5,000. So I am opposed to this amendment being passed. We had all the arguments this morning on the question of whether we should legislate for the state or for the billboard people.

The PRESIDENT: The question

is on the motion to adopt Senate Amendment "A". Is the Senate ready for the question?

MR. WORTHEN: Mr. President, I ask for a division.

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

Thereupon, Mr. Kennedy of Hancock offered Senate Amendment "B" and moved its adoption:

Senate Amendment "B" to Legislative Document 597. "Amend said bill by striking out all after the second line of said bill and inserting in place thereof: 'Section 3. Fees. The fees for such permits shall be \$1.00 for each panel, bulletin or sign, the area of which does not exceed 100 square feet, and \$2.00 for each panel, bulletin or sign the area of which exceeds 100 square feet but does not exceed 300 square feet, and \$3.00 for each panel, bulletin or sign the area of which exceeds 300 square feet but does not exceed 400 square feet, and \$4.00 for each panel, bulletin or sign the area of which exceeds 400 square feet but does not exceed 600 square feet, and \$5.00 for each panel, bulletin or sign the area of which exceeds 600 square feet but does not exceed 900 square feet. A fee shall be paid for each side of each panel, bulletin or sign used or intended to be used for advertising, and each panel, bulletin or sign of a series shall require a permit and the payment of a separate permit fee. All fees for such permits shall be payable annually in advance.'"

MR. KENNEDY of Hancock: Mr. President, it was thought by some in the Senate that this amendment would interfere with the previous bill and make it impossible for those who have their own manufacturing plants, to advertise on their own premises, but this amendment does not interfere with that part of Section 2 of Legislative Document 987 which provides for advertising devices or displays upon or within 200 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced or which advertise the real property upon which the same may be for sale or for rent, as this amendment simply amends Legislative Document 1035 which in itself is an amendment to the previous bill. The fee, if charged on a square foot basis would be rather drastic. My

feeling is it is discriminatory against the small business man engaged in this industry but would provide revenue, in our opinion, to carry on the financing of the administering.

Miss LAUGHLIN: Mr. President, during the recess we had a conference between myself and the Senator and also certain representatives of the outdoor advertising people and that is what we finally agreed would perhaps meet the deficit of the state. At any rate, they all agreed to that.

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

A viva voce vote being had, Senate Amendment "B" was adopted.

Thereupon, the bill was given its second reading, and passed to be engrossed as amended by Senate Amendment "B".

Sent down for concurrence.

Mr. WILLEY of Cumberland: Mr. President, I was of necessity absent from the Senate this morning when Legislative Document 955, An Act to Guarantee a Minimum Educational Program and to Provide for the Equalization of Education Opportunity for the Use of the State of Maine was, I believe, passed to be engrossed, and I now, for the purpose of offering an amendment move that the Senate reconsider its action of this morning whereby this bill was passed to be engrossed.

The motion prevailed.

Thereupon, Mr. Willey of Cumberland offered Senate Amendment "B" and moved its adoption: "Senate Amendment "B" to Legislative Document 955. Amend by striking out in said act the figures \$500,000 wherever the same appear therein and inserting in place thereof the figures \$200,000. Further amend said act by inserting after the word 'education' in the second line of the second paragraph of section 11 of said act the following words, 'with the advice and consent of the Governor and Council'. Further amend the 7th line of sub-division 3 of Section 3 by inserting after the word 'third' the following words 'on the approval of such recommendation by the Governor and Council'."

Mr. COOK of Somerset: Mr. President, I move the indefinite postponement of the amendment. Of course this bill, you all understand, is the bill that we have been hearing so much about for the past

four years. It is the result of a survey that was made four years ago under the leadership of Dr. Sills of Bowdoin, a survey that has been commended by Governor Brann, Governor Barrows, The American Legion, The Grange, The Federation of Women's Clubs, and many other organizations interested in the welfare of the state. The results of this survey of course are well known to you. On page 17 of their report they said: "In summary, the present system of school support throws an undue burden upon the poorer communities. It permits only the meagerest educational programs at the expense of local tax burden far in excess of the average of the state. It throws upon the taxpayers in the great middle mass of communities burdens so heavy that they operate as a marked hinderance to the development of schools in those areas."

This survey showed that Maine occupied a rather unenviable position among the states of the Union. So impressed with the results of this survey were the public in general that last fall both political parties, Democratic and Republican, inserted in their platforms planks relating to it. In the Republican platform we read this: "Believing that good citizenship and the continuous advancement of our civilization depend upon education, we recommend broader and more equitable educational opportunities for all the children of Maine." In the Democratic platform we read the following: "We favor an equalized distribution of educational opportunities for the youth of every city, town and hamlet in the state and a fixed and adequate appropriation for the purpose of education."

Now, to carry out the issues of both parties a bill was introduced in the early part of this session providing for \$1,700,000 which if passed, of course, would place the state of Maine in a very fine position in comparison to the other states of the Union, but the Committee on Education, realizing the financial situation of the state, cut that sum 70% down to \$500,000 and then attempted to draw a bill that would equalize educational opportunity in this state.

I don't say it is a perfect bill. It is a very difficult thing to draw any kind of a bill that equalizes educational opportunity that provides allocation of money to towns

so the proper schools will receive a proper amount of money to establish even a minimum program. The theory of this bill is that a minimum program is first established, a program which calls for the expenditure of \$783 for every elementary teaching unit in the state and \$1305 for every secondary or high school. And this is a minimum program including teaching service, school supplies, fuel and so forth.

Now, the bill says that if a town can not maintain this minimum program on a twelve mill tax rate, which is the average amount spent in the state by the several towns, the twelve mill rate based upon the assessments of our own tax assessor, then the state will step in and furnish them enough money so they can do it.

Now, that in brief, is all the bill does. We set up approximately \$500,000—I think the nearest estimate we have heard is \$480,000 to do the job. Anything less than that, a sum such as the one proposed by the Senator from Cumberland (Senator Willey) will do absolutely nothing so far as helping to equalize educational opportunity in this state. On the very face of it you can see that. You have 200 or 250 towns which are in need. You have been reading about them in the papers the last year. They have been thoroughly investigated by authorities whom we can trust. \$200,000 spread among those towns, those 200 or 250 towns, will do almost no good at all. Rather than have an amendment like that passed I would prefer to raise nothing at all and come back here two years from now and do a real job, the job that we were sent down here to do by the party which we represent and by the people of this state. It is my honest opinion that you can not do any kind of an equalization job on less than \$480,000 and I sincerely hope that the amendment of the Senator from Cumberland, Senator Willey, will fail of passage.

Mr. SPEAR of Cumberland: Mr. President, I think this bill is full of faults. I don't like the bill but I know that the women voters want Junior educated and I am going to vote for it.

Mr. WILLEY: Mr. President, to introduce an amendment to a bill such as the one now under consideration, particularly by a member of the Senate such as myself who believes in the highest possible educa-

tional advantages consistent with proper expenditure of money, we must first realize that I have good reasons for doing this.

Senator Cook of Somerset has said that the committee was appointed to make an investigation and to report, and they did, and of course the people of the state are thankful and appreciate the services which they rendered. He said that they attempted to draw a bill—

The PRESIDENT: Will the Senator defer for a moment. Coming to the platform is a former President of the Senate.

(At this point the Hon. Frank H. Holley, former President of the Senate, was escorted to a seat at the right of the President, amidst the applause of the Senate.)

Mr. WILLEY (Resuming)—which would equalize the educational opportunities throughout the state of Maine. Now, I cannot agree with my distinguished colleague from Cumberland, Senator Spear, that I am going to vote for a measure just because somebody wants it. I stand against any measure that I think is not for the best interests of all the people of Maine. As far as the party platforms are concerned, I am in entire accord with them. I sincerely believe in equalization of educational opportunities, but I will point out to you, I think without question, errors in this act and in the allocation of the money which in no way bring about the ends which are sought.

It is a colossal failure; we are attempting to equalize educational opportunities in this state and I think I can demonstrate to the Senate beyond any question of a doubt that the equalization of educational opportunities in the state lies not in such a bill as this but rather, first, in the equalization of taxes throughout the state.

Now, I want to point out some things in this bill, and for an illustration I will take, we will say, a town called Hope, just as an illustration. Now, we will say that the valuation of the town of Hope is two hundred thousand dollars. That is their property valuation. We will say there is another town, which we will call Rome, which has exactly the same valuation of property. Now, let us assume that the people of the town of Hope are good, honest, law-abiding people and want to fairly value their property and they pay to the state \$1,450. They fairly

value their property so they value it and assess a tax of \$30 a thousand. Now, the town of Rome with the same valuation, what do they do? Well, they are pretty cute over there in Rome and they value their property, which is just as valuable as the other town, at one hundred thousand dollars and they assess a tax at \$60 and they pay the state \$725. Now, there is the unfairness of the assessment or valuations of the two towns, and upon that valuation as fixed by the towns is this equalization bill based.

Now, in Cumberland County we would contribute under this measure somewhere around \$40,000 and in return for that, as our property down there is fairly valued, the town of Harrison, for instance, would get \$1,377 but the obvious faults in the measure are these: In the town of Livermore they assessed a tax of \$61.00, \$17.00 of which goes to the school tax. Now, their standard of education up to today is about \$1,165 higher than the minimum requirement but under this act Livermore gets \$2,037—and still their requirements now are away above the minimum school requirements.

Another illustration. The town of Oakfield has a \$78 tax rate, \$29.17 of which is for school purposes, and their minimum—they raise \$141 more than the minimum requirement. Now, Oakfield under this act, although its minimum standard now is, as I said, \$141 higher than the minimum required, they get the small sum of \$5,253. In the town of Washburn, their tax rate is \$60.00, \$20.53 of which is for schools. Their present educational standard—they raise \$5,008 more than the minimum requirement, and let's see what Washburn gets. Washburn gets \$3,774. The town of Tremont assesses a tax of \$12.99 for schools. Their minimum standard—they raise \$64 more than the minimum educational standard now, and the town of Tremont gets \$1,788.

Those are just a few illustrations to show you that the money raised under this act in a great degree goes to the towns whose minimum requirements of education are now provided for by their own tax levies.

Now it can, and probably will, be debated that the purpose of this act is to reduce the tax burden today in order to bring minimum school requirements up to efficiency. But the answer to that is that probably the assessments are such

that probably the very towns that have honestly declared their valuations have got to over-contribute to the upkeep of the schools in towns where they have cut their valuations down.

I want to plainly point out that I believe education is the finest thing we can have. A want of education means additional payments under our poor relief. I believe thoroughly in the purposes sought to be accomplished by this measure but it fails absolutely to bring about an equal equalization of educational opportunities in this state and I believe that until the state of Maine can equalize tax values throughout our towns and cities that we should not do any further than to give them \$200,000 this year, and that at the disposal of the Governor and Council, and I think it then may get into some towns where it will really be of some major help.

Mr. OWEN of Kennebec: May I ask the Secretary to read the amendment which was adopted in the Senate this morning?

(The Secretary read the amendment.)

Mr. OWEN: Unless I am greatly mistaken, Mr. President, this amendment removed the objection which the Senator who has called it merely a colossal failure, had; namely, that the distribution depends to some extent on the tax raised by the towns involved. This bill has had very, very long consideration by the Committee on Education and no member of the committee calls it perfect today. When you consider the fact that the bill as introduced called for an appropriation of \$1,700,000 or thereabouts, it is difficult to see how a perfect bill could be evolved. Some of us have spent many hours of work in mathematics on the preparation of this bill and I think you can find somewhere in the state house some sheets that are about two feet wide by three feet long on which we have figured out the amounts of money which would go to various towns. In fact, every town and plantation in the state was included in the various plans which were suggested, and although this measure isn't by any means perfect and contains inequalities which we regret, yet I certainly feel, as one member of the committee, that I must stand behind it.

Mr. TOMPKINS of Aroostook: Mr. President, I think that the

amendment passed this morning, if you will turn to the last page of your document number 955, simply removed paragraph one—"No town shall be eligible to share in equalization aid unless its tax rate for all purposes for the current year shall exceed the average of the state as determined by the Bureau of Taxation." As I understand that, it doesn't change the bill but very little. That lets in a thousand more towns under this present equalization basis.

I am frank to say that I am opposed to the bill, Legislative Document 955, especially that part of the bill referring to the distribution of the \$500,000. Now, in taking this stand this afternoon, it is no change of heart on my part and no change of mind because I have been very frank with my committee and they know how I stand. I have also been very frank with the Commissioner of Education, Mr. Packard, that I have not been in favor of this bill as it is.

If you look at the sheet or sheets that have been placed on your desks showing the distribution of this fund, I think you will see why I have taken this attitude. I know the condition in my county, Aroostook, very well. I do not know the condition in the other counties. I do know up there under this bill, this distribution, several of the towns that are getting money do not need it any more or in some cases as much as do several of the towns that do not get a nickel. Now the fact is this bill, as it is, changes the whole school system of the state of Maine. I think I am in accord with the Senator from Cumberland, Senator Willey, that if, in the state of Maine, and our various towns and cities, we have conditions during the next year or two such as we have the present year, that we shall not need this bill or any other.

Now, I am for good schools. Please do not anyone get the idea I am not, and I have always been connected with schools, but I believe in fair play, but not this bill which is not fair play. I think my record will show I have been for good schools. For a number of years I have been chairman of the local board of education and I am at the present time trustee of the academy in my home town. I taught school for a few years, al-

though you might not think so by my English sometimes, and to fix the matter up in good shape I married a schoolma'am with 12 years experience. Now, there is no doubt in my mind but there are towns in our state that need help. I would like to see a list of those towns put on paper. As chairman of the Committee on Education, I have not yet seen a list of those towns.

Now, under the present law, the Commissioner of Education has \$125,000 with which to assist towns which are in trouble, schools, etc. The amendment as offered by Senator Willey will add \$200,000 more, making \$325,000 to be used under the present law. I think with this money, the Commissioner of Education could show the Governor and Council where the cases are and name the towns and show the conditions. Certainly \$325,000 a year is a lot of money and ought to do a fairly good job. Now, under this bill as it now is presented to us, Legislative Document 955, if passed, would compel a lot of towns to raise more money than they do now and they would not get one cent back of this \$500,000. However, I understand there is an amendment in process now to eliminate that feature which will, no doubt, be offered. As I see it, the \$500,000 does not do the job but until this State can get where we can appropriate \$1,750,000, which will do the job, I move the amendment offered by Senator Willey, be adopted.

Mr. WILLEY: This matter, Mr. President, is of such interest to the state and to the people, that I think I should perhaps recite just a few more of these examples. Now my colleagues from York County will all agree that Kittery is not only a very fine town but is a wealthy little town, and in the town of Kittery they assess a tax rate \$17.21 for education. Their present educational standards are \$9.448 above the minimum and under this act, the town of Kittery, that wealthy little town, would get \$1953. Now the town of Midway raises \$1188 by taxation in excess of the minimum requirement and Midway would receive under this bill, \$3,512. The town of Norway has a total tax rate of \$58.00. \$14.75 is for school purposes. It raises \$3,096 in excess of its minimum educational requirements and under

this proposed act the town of Norway receives the sum of \$2,239.

Now I have not figured these all out but there ought to be examples enough. The figures are from the Department of Education, and there ought to be examples enough to show the glaring inequalities of this act. And the only way we can get an equalization of educational opportunities is by the towns properly declaring the true value of their property, but by this act we might encourage towns to undervalue their property and come in here and get more educational aid. Now, this is not the way to correct it. The way to correct it is by having a proper valuation in the town, and I do feel with the amendment I have offered, we are doing a great deal for education, as perhaps the Governor and Council in their wisdom might not feel \$1900 was proper for Kittery, it being a rich town, and that some other town should have that portion of the \$200,000. I trust that before the next legislature convenes the Department of Education and the town officials will do something about valuation so that we could come in and enact a law which would bring about equitable opportunities for all towns instead of working the glaring inequalities this one would enact.

Mr. COOK of Somerset: Mr. President, I think perhaps the Senator from Cumberland, Senator Willey, is in error—possibly I am wrong—but he is supposing this equalization program is based upon local assessments. I could inform the Senate that this equalization program is based wholly upon the assessment by the state by its Bureau of Taxation. Although, with all due respect to our honored guest, probably it could be improved, although it is the best basis you have for equalizing educational opportunities. If you saw fit to make a new assessment, to investigate the whole proposition, that would be a fine thing and I would endorse it, but until we do that, I think we will have to depend upon the machinery we now have.

It is true Cumberland County doesn't share as some other counties in the State, but I understand that is the whole purpose of this program, to give to counties and towns that need it the most. Aroostook and Washington would share

largely in the program. Cumberland won't share very much and my own county won't share very much. That should not influence our vote very much. We came here to aid distressed towns in the state. That was the reason the Republican and Democrat party both endorsed this program. That is what we are trying to do.

I think the figures Senator Willey has given are not quite accurate because as the Senator from Kennebec mentioned, the amendment this morning somewhat changed it. Senator Willey mentioned several towns. For instance, I believe he mentioned Livermore which under the bill before it was amended by Senate Amendment "A" would receive approximately \$1,900. Under its present standing of the bill as amended, Livermore would get in the neighborhood of seven or eight hundred dollars. Oakfield he mentioned would receive \$5,200, but now would receive around \$400 to equalize educational opportunities. Washburn he mentioned as receiving approximately \$3,700. Under the bill as it now reads, it would receive \$1,029. In other words, I think that amendment has eliminated possibly one defect in the bill.

Now Senator Tompkins from Aroostook has seen fit to oppose the bill. I regret this very much. He was chairman of our committee. We passed the bill out with a unanimous report. It was considered carefully for several weeks in our own committee. All programs of equalization were considered and we voted on this, unanimously, as the best equalization program that we could devise. The Senator said he had not seen recent figures. Neither has the committee seen this program that comes up on the spur of the moment, and it seems to me a serious matter to pass an amendment like this without any careful consideration by the Committee, and it doesn't seem to me to be fair. Now, I hope the amendment will be indefinitely postponed and when the vote is taken I ask for the yeas and nays.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Cook, that Senate Amendment "B" to Legislative Document 955 be indefinitely postponed. The same Senator has asked for a Yea and

Nay vote. Before a Yea and Nay vote can be ordered it is necessary that one-fifth of the members of the Senate vote in favor of the Yea and Nay vote being taken.

A division of the Senate was had.

A sufficient number obviously having arisen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA: Ashby, Beckett, Blanchard, Burkett, Chase, Cook, Corrigan, Deering, Fernald, Fortin, Friend, Goudy, Graves, Hussey, Kennedy, Lewis, Littlefield, Mallar, Marden, Martin, Osgood, Owen, Potter, Sewall, Spear, Walsh, Wentworth, Worthen—28

NAY: Laughlin, Tompkins, Willey

—3

ABSENT: MacKinnon—1

Twenty-eight having voted in the affirmative and three opposed, the motion to indefinitely postpone Senate Amendment "B" prevailed.

Thereupon, Mr. Cook of Somerset, offered Senate Amendment "C" and moved its adoption:

Senate Amendment "C" to Legislative Document 955.

"Amend said bill by striking out all of Section 1 of the bill. Further amend said bill by striking out all of Section 3 of the bill. Further amend said bill by striking out, beginning in the third line of subsection III of Section II of the bill, the following words, 'met the minimum provisions of the law as required by sections 16, 91 and 93 as hereby revised' and inserting in lieu thereof the following, 'to provide \$783 per elementary unit, \$1,305 per secondary unit and a sufficient amount to provide for necessary conveyance and to provide for secondary tuition', and further amend said bill by consecutively renumbering the sections remaining in the bill."

Mr. COOK: Mr. President, this amendment is not as serious as it sounds. It merely takes the responsibility off towns, towns that are unable to meet this minimum program who would, perhaps, under the original bill, be forced to meet it. This amendment simply allows them, makes it optional to go on as they are and not force them to meet the minimum requirement if they do not get equalization aid. I think it will meet the

approval of many small towns and relieve the hardship that possibly the original bill might have incurred.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "C". Is the Senate ready for the question?

A viva voce vote being had, Senate Amendment "C" was adopted, and the bill as amended by Senate Amendment "C" was passed to be engrossed.

Sent down for concurrence.

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

Bill "An Act to Provide for Old Age Assistance." (H. P. 1863) (L. D. 1029)

(In Senate on April 15th, passed to be engrossed as amended by House Amendments "A" and "B" and by Senate Amendment "A" in non-concurrence)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendments "A" and "B", and now asking for a Committee of conference, the Speaker having appointed as members of such a committee: Mr. Jewett of Ripley, Mr. Payson of Brooks, Mr. Owen of Bath.

In the Senate, on motion by Miss Martin of Penobscot, that Body voted to insist upon its former action and join in a Committee of Conference.

Subsequently the President appointed as members of such committee on the part of the Senate, Senators Burkett of Knox, Friend of Somerset, Spear of Cumberland.

The PRESIDENT: The Chair will declare a short recess, to respond at the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table, House Report from the Committee on Appropriations and Financial Affairs "Ought Not to Pass" on bill, An Act Relating to the Financing of the Motor Vehicle Department of the Public Utilities Commission (H. P. 1476)

(L. D. 630), tabled by that Senator on April 7th pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence.

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The PRESIDENT: Is there any

further business to come before the Senate?

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On motion by Mr. Willey of Cumberland

Adjourned until tomorrow morning at ten o'clock.