

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY  
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**SENATE**

Tuesday, April 20, 1937

Senate called to order by the President.

Prayer by the Reverend H. Mortimer Gesner of Augusta.

Journal of Saturday, April 17th, read and approved.

From the House:

Bill "An Act Relating to Agricultural Societies." (S. P. 493) (L. D. 1031).

(In Senate on April 16th, passed to be engrossed.)

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

In the Senate under suspension of the rules on motion by Mr. Hussey of Kennebec, that Body voted to reconsider its former action taken on April 16th, whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment "A" was read and adopted in concurrence, and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

From the House:

Senate Report from the Committee on Judiciary "Ought Not to Pass" on bill "An Act Relating to Exemption of Motor Trucks from Registration," (S. P. 332) (L. D. 596).

(In Senate on April 16th, bill substituted for the report, and passed to be engrossed as amended by Senate Amendment "B.")

Comes from the House, report read and accepted in non-concurrence.

In the Senate, on motion by Mr. Deering of York, 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, Senators Osgood of Oxford, Laughlin of Cumberland, and Fernald of Waldo.

Sent down for concurrence.

### House Bills and Resolves in First Reading

"Resolve in Favor of R. Earle Haley of Rangeley." (H. P. 68) in new draft, (H. P. 1875) (L. D. 1052).

"Resolve in Favor of Arthur Liberty of North Yarmouth." (H. P. 30) in new draft (H. P. 1874) (L. D. 1051).

"Resolve in Favor of George A. Johnson of East Machias," (H. P. 949) (L. D. 403) in new draft (H. P. 1876) (L. D. 1053).

"Resolve in Favor of Manzie I. Rogers, of Bangor, Maine," (H. P. 950) (L. D. 404) in new draft (H. P. 1877) (L. D. 1054).

"An Act Relating to Constitution of State Aid Roads in Indian Township," (H. P. 283) (L. D. 84) in a new draft (H. P. 1878) (L. D. 1055).

"An Act Relating to the Establishment and Maintenance of Stations or Police Barracks for Weighing Trucks," (H. P. 1605) (L. D. 669) in new draft (H. P. 1879) (L. D. 1056).

Which reports were read and accepted in concurrence, the bills and resolves read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

The majority of the Committee on Temperance on bill "An Act Relating to Liquor Licenses," (H. P. 1597) (L. D. 659) reported the same in a new draft (H. P. 1857) (L. D. 1037) under the same title, and that it ought to pass.

(Signed) Tompkins of Aroostook  
Marden of Kennebec  
Littlefield of York  
Meserve of Sebago  
Stilphen of Dresden  
Maxwell of Orient

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

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

In the Senate, on motion by Mr. Willey of Cumberland, tabled pending acceptance of either report, and this afternoon assigned.

### First Reading of Printed Bills

"Resolve in Favor of Appropriating Money for the Maintenance, Supervision and Use of State Parks." (S. P. 524) (L. D. 1062)

"Resolve Relative to the Participation by the State of Maine in the New York World's Fair to be Held in the Year Nineteen Hundred and Thirty-Nine." (S. P. 323) (L. D. 1063)

Which resolves were severally read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Friend from the Committee on Ways and Bridges on bill "An Act Relating to the Mill Tax Highway Fund," (S. P. 271) (L. D. 754) reported that the same ought not to pass as the matter is covered in another bill.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on bill "An Act to Create and Allocate a General Highway Fund for State Road, State Aid and Third Class Highway Construction," (S. P. 159) (L. D. 209) reported the same in a new draft (S. P. 527) under the same title and that it ought to pass.

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

The PRESIDENT: The Chair will announce that it would be advisable that any Senator who wishes any further consideration for any of the enactors to table the enactor in which he is interested when it is read by the Secretary.

#### Passed to be Enacted

Bill "An Act Relating to Emergency Municipal Finance Board." (S. P. 179) (L. D. 254)

Bill "An Act Relating to Vital Statistics." (S. P. 189) (L. D. 288)

Bill "An Act to Ratify, Confirm and Make Valid the Acts and Doings of the Guilford and Sangerville Water Districts." (S. P. 208) (L. D. 294)

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

Bill "An Act Relative to Bounties." (S. P. 391) (L. D. 752)

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

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 Directors." (S. P. 485) (L. D. 970)

(On motion by Mr. Ashby of

Aroostook, tabled pending passage to be enacted and this afternoon assigned.)

Bill "An Act to Amend the Charter of Lucerne-In-Maine Village Corporation." (S. P. 491) (L. D. 1011)

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

Bill "An Act to Extend Suffrage to Qualified Voters in Unorganized Territory." (S. P. 505) (L. D. 1625)

Bill "An Act to Provide for Aid to the Blind." (S. P. 509) (L. D. 1030)

Bill "An Act to Permit Loan and Building Associations to Consolidate or Transfer Assets." (S. P. 1484) (L. D. 562)

Bill "An Act Relating to Support of Dependents of Soldiers, Sailors, and Marines of the World War." (H. P. 1822) (L. D. 1039)

Bill "An Act Exempting Trucking of Farm Products and Certain Lumbering Products from the Common Carrier Law." (H. P. 1829) (L. D. 979)

Bill "An Act Relative to Termination of Registrations of Motor Vehicles." (H. P. 1840) (L. D. 991)

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

"Resolve Relating to a State Highway Planning Survey and Planning Survey Committee." (S. P. 300) (L. D. 498)

#### Finally Passed

"Resolve Compensating a Bidder on the General Howard Memorial." (S. P. 499) (L. D. 1010)

"Resolve Creating a Recess Committee on a State Fund for Workmen's Compensation." (S. P. 503)

"Resolve for Repairs on the Kingman Bridge." (S. P. 504) (L. D. 1024)

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

"Resolve to Reimburse the Town of Rome for Burial Expenses of Lester A. Brown, a Veteran of the Spanish War." (H. P. 653) (L. D. 1038)

"Resolve in Favor of Guy M. Babcock of West Gardiner." (H. P. 1842) (L. D. 1001)

"Resolve Creating a Recess Committee on Compensation for Occupational Diseases." (H. P. 1852) (L. D. 1004)

#### (Emergency Measure)

Bill "An Act to Appropriate Moneys 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)

Mr. FERNALD of Waldo: Mr. President, I ask for a division and would like to state at this point that I am unalterably opposed to this measure because it is unsound, uneconomic, unbusinesslike, unwise and unnecessary legislation, for the state of Maine in its present financial condition and crisis.

Mr. WILLEY of Cumberland: Mr. President, I want to explain the position that I am going to take on this measure. I am going to vote for the measure; not because I feel that that appropriation measure is one which was cut to fit the garment of the people of Maine; not because I feel that it meets the requirements of the people of Maine, because I feel that the measure contains a great exaggeration of the needs of the state of Maine. Many in this Senate voted to cut the appropriations and they worked and studied hard and long to save the state of Maine money. They gave freely of their effort, freely of their time and debated the matter for over two days but were unable to break down the stubborn resistance of those who would thoughtlessly spend the state's and the citizen's money. And the two measures in that bill which were finally reduced, the state prison measure and the measure on uniform laws, without debate were restored to the budget in the other branch of this legislature.

I can not, however, bring myself to vote against this measure because to defeat this measure would impair the operations of the departments of this state completely, that can not be done simply because of the stubbornness of some members of this legislature. I do not think that the appropriation bill fairly represents or fairly represented to this legislature the indebtedness of the state of Maine for which money must be appropriated and paid. I pointed out previously that when the Appropriations Committee brought this bill to this legislature they must have known of the existing outstanding indebtedness of the Augusta Airport in excess of \$13,000 that was never called to the attention of this legislature and as the matter now stands we are placing our Governor and Council in the position of being criticized by

the next legislature for appropriating from the contingent fund money to pay that outstanding obligation which this legislature should appropriate money to pay like men.

There is no reason why that item should not have gone into that budget. There is no reason why the lobster rearing station item of \$20,000 should not have gone into the budget under the Sea and Shore Fisheries appropriation. There is no reason why this legislature should not have been told that it was going to cost \$10,000 a year to maintain that lobster rearing station proposed by this legislature and adopted by the other branch, I believe, yesterday.

I believe that this method of improperly setting forth the facts is all wrong. I believe the members of this legislature should know that when they vote for a \$20,000 appropriation for a lobster rearing station that \$10,000 a year more is going to be needed to run it. And that is what I mean by not fairly placing before this legislature the facts.

But so long as that practice exists, so long will people who have the interests of the state of Maine at heart complain. But I can not vote against a measure that would cripple our state, because of those stubborn members of this legislature and therefore I explain my vote in favor of this measure because it would work an intolerable hardship upon our people of Maine. And thus, those stubborn members have forced some members of this legislature to vote for this appropriation bill trusting in depending upon the Governor and Council to cut it to the quick, and that, and that alone, explains the reason why I vote for this measure.

**The PRESIDENT:** The pending question is on the passage to be enacted of Legislative Document 899 and the Senator from Waldo, Senator Fernald has asked for a division.

A division of the Senate was had.

Thirty having voted in the affirmative, and two opposed, the bill was passed to be enacted.

#### Orders of the Day

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Elections in the City of Biddeford, (H. P. 1850) (L. D. 1012), tabled by that Senator on April 17th pending passage to be engrossed;

and that Senator yielded to Mr. Hussey of Kennebec.

Thereupon, on motion by Mr. Hussey of Kennebec, the Senate voted to recede and concur with the House in the adoption of House Amendment "A"; and on further motion by the same Senator, the bill as amended by House Amendment "A" was passed to be engrossed, in concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought Not to Pass" on bill, An Act to Establish a Commission of Public Safety for the City of Biddeford, (H. P. 1110) (L. D. 319), tabled by that Senator on April 8th, pending acceptance of the report in concurrence; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Joint Order Relative to Adjournment to April 19th, (S. P. 523), tabled by that Senator on April 17th pending consideration, and on further motion by the same Senator, the joint order was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Temperance, "Ought to Pass" in new draft (L. D. 998) on bill, An Act as to the Importation of Intoxicating Liquors Other than Those Consigned to Wholesale Malt Liquor Licensees; Emergency, (H. P. 1465) (L. D. 685), tabled by that Senator on April 16th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from

the Committee on Temperance, "Ought to Pass in New Draft (L. D. 997) on bill, An Act Relating to the Transportation of Intoxicating Liquor, (H. P. 1602) (L. D. 664), tabled by that Senator on April 16th, pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A", in concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I would like to leave until a little later in the day the sixth matter on the table because this is the first time, this morning, that the Senate has had before it the new draft and the amendment. Further, the amendment is not properly entitled and not having the new draft before us and not knowing the title had been changed, the title of the amendment is made to refer back to the original bill. In the meantime, until I take it up, I wish the members of the Senate would give some attention to Legislative Document 47, which is the original safety bill and to the document in this morning, No. 1057, which is the new draft, and the amendment which is a part of it. I might say in that connection, until I have a chance myself to go over the new draft and compare it, the fundamental question of the difference between the two is whether we shall have a department of safety which will take care of both safety on highways and industrial establishments, or whether we shall have safety within the State Police, just for highways, and I do not know whether we will have safety for industrial accidents or not, but if we do, it will be in the Department of Labor. That is why I would like an opportunity to compare them as it is the first time we have had an opportunity to have them before us, and I will take the matter up later in the day. I hope the members of the Senate will study these two, the original draft and the new draft and the amendment, so they, themselves, will have knowledge of the difference.

The **PRESIDENT**: The Chair will entertain a motion at this time to recess until two o'clock.

Thereupon, on motion by Mr. Fernald of Waldo

Recessed until this afternoon at two o'clock.

#### After Recess

The Senate was called to order by the President.

#### Order

(Out of Order)

Mr. Friend of Somerset, out of order and under suspension of the rules presented the following order and moved its passage:—

"Ordered whereas bill, An Act Relating to Safety of Highways being identified with Senate Paper 71, Legislative Document 47, having been reported 'Ought to Pass in New Draft' by the Committee on Ways and Bridges subsequently after report of said committee and while the original copy of the bill was in the Senate said original bill having been lost, now, therefore, be it

"Ordered, the House concurring, that the Secretary of the Senate be authorized and directed to substitute for the original bill a copy of the printed document number 47 together with his certificate of the action of the Senate thereon as shown by the Journal of the Senate and a like certificate of the Clerk of the House.

Miss LAUGHLIN of Cumberland: Mr. President, may I have that order read again and a little more slowly.

(Miss Laughlin of Cumberland was handed the order.)

The **PRESIDENT**: Is it the pleasure of the Senate that the order receive passage?

Mr. GOUDY of Cumberland: Mr. President, I understood that the Secretary has been requested to read it again.

The **PRESIDENT**: The Secretary will again read the order.

The Secretary again read the order.

Mr. GOUDY: Mr. President, I would like at this time, on my own behalf and I am sure on behalf of the other members of the Senate to thank the Secretary for his kind cooperation.

Thereupon, the order received passage.

Sent down for concurrence.

Additional papers from the House out of order, and under suspension of the rules, disposed of in concurrence.

#### House Bills and Resolves in First Reading

(Out of Order)

The Committee on Appropriations and Financial Affairs and Sea and Shore Fisheries jointly, on "Resolve in Favor of the Propagation of Lobsters, Shad, etc.," (H. P. 1613) (L. D. 766) reported that the same ought to pass.

The Committee on Appropriations and Financial Affairs to which was recommended on bill "An Act Relating to a State Racing Commissioner," (H. P. 1862) (L. D. 1014) reported the same in a new draft (H. P. 1882) (L. D. 1061) under a new title, bill "An Act Relating to the State Racing Commission," and that it ought to pass.

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

#### Report of Committee

(Out of Order)

Mr. Marden from the Committee on Temperance on bill "An Act to Clarify the Administration of the Liquor Laws," (S. P. 510) reported the same in a new draft (S. P. 529) under the same title, and that it ought to pass.

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

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill, An Act to Establish Organized Highway Accident Prevention Work as a Function of the Maine State Police (S. P. 522) (L. D. 1057), tabled by that Senator on April 17th pending adoption of Senate Amendment "A".

Miss LAUGHLIN of Cumberland: Mr. President, Senate Amendment "A" in this case is appended to the new draft, that is, Legislative Document 1057 in printed form. The reason for this is that there are three bills touching this matter of a safety department. They are: the original bill, Legislative Document

47, the new draft which is Legislative Document No. 1057, and appended to that is Senate Amendment "A".

Senate Amendment "A" is practically the same as the original bill, No. 47, except that it cuts out the emergency clause in the appropriation. The reason for this is, as the Senate will remember, the report, "Ought to Pass in New Draft" came in here Friday afternoon, and of course, on Friday it was not printed. Under normal procedure, if it were not so late in the session, I would, of course, have moved it lie on the table pending printing of the new draft, but it being Friday afternoon and not knowing what the new draft was and knowing it would delay things or kill the whole affair by delaying it and having it come in this morning and proposing some amendments which would have to be printed, and so forth, to play safe I put in Senate Amendment "A" to cover the principal points which I would have put in as amendments, so as to hasten the procedure. That is why Senate Amendment "A" is so like the original bill, Document No. 47, except, as I say, it cuts out the emergency clause and the appropriation.

All three of these, the original bill, the new draft and Senate Amendment "A" are alike in many phases. I will take them up later in respect to that.

I think for the intelligent understanding of this discussion, we can really limit ourselves to No. 1057 with Senate Amendment "A" appended to it, because as I say, Senate Amendment "A" is practically the same as the original bill, No. 47, except for cutting out the emergency clause. There is one fundamental and revolutionary difference between the new draft which appears in No. 1057 and the Senate Amendment "A" which is appended to it, which is, as I said, very like the original bill, No. 47, and that is this: Senate Amendment "A" to the new draft and the original bill provided for a safety department, a state safety department, whose object should be the promotion of safety along all lines, the prevention of accidents whether on highways or in industrial establishments. The new draft creates a division in the department of the state police, for the prevention, solely, of accidents on the highways, accidents

by motor vehicles. That is the fundamental difference. A state safety department is set up by Senate Amendment "A" and the original bill which will cover and have its duties to prevent accidents, to disseminate information for the prevention of accidents both on highways and in industrial establishments, which is along the line, and which, as far as we have gone in the way of safety, is the way it has been conducted. It has been covering both industrial accidents and highway accidents and Maine has a very enviable record along the line, more particularly, of industrial accidents, which has been more developed than safety in highway accidents, and it is high up in the list of states in the elimination of industrial accidents. I happen to have some real knowledge of that, myself, having obtained it through the head of the industrial accident department of the Liberty Mutual Insurance Company, entirely apart from state activities. It is this plan that has been endorsed by all the safety councils, that there should be one safety department. The National Safety Council recommends combining under one department. The Massachusetts Safety Council, the Grange.—I am picking out a few from a long list—the selectmen of Bar Harbor, the safety committee of the Bath Iron Works, the safety director of the Cumberland County Power & Light Company, the Daughters of the American Revolution, and many others. I won't bore you by reading more of them. All these organizations interested in safety have practically all endorsed this method, of one safety department which would cover all kinds of accidents.

As I said, the new draft makes a definition of the State Police Department and deals solely with accidents on streets and highways. For all other things it is very much the same. As I have run over them, section after section, they are exactly the same in the three bills.

For instance, the statement of policy is different because in the new draft the statement of policy is limited, if you will look at Section 1 of Legislative Document 1057, it is limited to study and investigation and prevention of accidents on the streets and highways. In Senate Amendment "A", which is the same as No. 47, the statement of policy is creating a department



to consolidate certain accident prevention activities thus making for economy and greater efficiency, and provides for facilities for the study, investigation and prevention of accidents on the streets and highways, and in the industrial establishments in the state. I say that is the fundamental difference.

Section 2, Appointment of supervisor, is practically the same in the three bills. It is Section 2 of No. 1057. Section 3 is exactly the same in all three bills except in the new draft it limits it to highway accident prevention, whereas the other two include highway accident prevention and prevention of accidents along all lines of safety, particularly industrial accidents. Section 4 of the new draft is exactly the same as the other two bills, being Section 4 of the amendment. In addition, the amendment, of course, covers additional safety in manufacturing establishments. And Section 5, not included in the new draft, provides that the commissioner and authorized agents may enter factories and workshops to investigate accidents and examine into methods of protection, to furnish information concerning processes, etc. in the way to prevent industrial accidents. Of course, that is in the amendment to the original bill and not in the new draft, which is limited to highway accidents. Section 5 of the new draft is exactly like Section 6 in the amendment and like the original bill. Section 6, for the financing, is exactly the same in all three bills, excepting, of course, in the new draft, reference to the fund is called, "Highway Safety Fund" whereas the other two call it the "State Safety Fund", and it calls the one charged with enforcement, the "supervisor" and the other two bills call him the "commissioner". All three bills have the unexpended funds carried over. The amendment does provide that there shall be no other funds except those that come from the sale of stickers.

As I say, you can see they are practically all the same except that one in Senate Amendment "A" and Legislative Document 47 provide for a safety department which shall be charged with the promotion of safety and the prevention of accidents along all lines. They shall take up instruction in schools, and everything of that sort. They appropriate exactly the same sums, derived

in exactly the same way, namely, we, who drive automobiles, at present have to twice a year have the brakes and lights examined and we pay fifty cents each time for that. These stickers are given those who apply for the right, and those stickers are sold to those persons for one cent apiece. All the bills provide they shall be sold for ten cents apiece, and of course, the persons making the examination of lights and brakes get the difference, forty cents, or eighty cents a year. Of course, we all know, if we drive a car, that if they do anything they charge for the service, that is, if they do anything after the examination.

So I will go back and repeat what I have repeated two or three times, that the only real difference is whether we shall have it in the Highway Police Department, limited solely to motor accidents, or if we shall have a State Department of Safety, which will cover accidents along other lines.

I have been looking up to see how we have been running this or what the provision for any department has been. There is no provision at the present time for any department of safety. It has been done by the appropriation of funds and the appointment of a person to carry it on. It does not interfere with what has been or what is being done. It is simply recognizing what all the world is recognizing, that something more must be done to promote safety along all lines.

As I have said, the new draft provides for highway safety and it provides exactly the same funds as the other bills provide for all safety in all sources. We all admire the man who can make two blades of grass grow where one grew before, but I do not believe we would feel admiration for the growing of two departments of safety where one grew before, with all the expense and overlapping.

That is the only question here, if we should have one department of safety to cover all activities in one line in promotion of safety—not one for highways and one for industrial establishments alone. If we pass this new draft there is no provision anywhere in the law for the prevention of industrial accidents. It doesn't seem reasonable to make it just for accidents on highways and leave out accidents in other lines.

The whole trend, as I have said, has been toward the prevention of accidents and the trend has been along the line of promotion of safety. It is the least expensive and the most efficient method. Therefore, I trust that Senate Amendment "A" to this document will be adopted, because as I have said, it is very much like Legislative Document 47, cutting out the emergency preamble. As I have said, while the amendment refers to the title, that is due solely to the fact that we did not have the new draft before us. Of course, the title of Senate Amendment "A" would have to be amended. These are really the only fundamental questions involved.

Mr. FRIEND of Somerset: Mr. President, I simply wish to explain the action of the Ways and Bridges Committee on the bill. I introduced the original bill, calling for the consolidation of industrial safety and highway safety into a new department. Naturally, I was in favor of it and that is why I introduced it. At the hearing, which was a large hearing, a great many people appeared in favor of the original bill, and there were also many, mostly made up of representatives of labor and the ministry, who opposed the bill. I received a great many letters in favor of the bill. Everybody seems to be in favor of taking care of highway safety in one way or another. I have also received many letters in opposition to that part of the original bill which takes industrial safety out of the Labor Department, and that part of the bill which establishes a new department. There was the opposition on the part of labor, of taking industrial safety out of the Labor Department and combining it with the new department covering highway safety, and it appeared to be unanimous. That is, I or the committee received no word from any part of labor in favor of that part of the bill which took Industrial safety out of the Labor Department. The first mention that I have heard in favor of the original bill, as far as labor was concerned, was this morning when I heard that a section of labor in Washington County was in favor of the full original bill. And Senate Amendment "A" to the new draft, to the original bill, is very similar, almost exactly the same as the original bill. On account of this opposition from labor, what appeared

to be almost 100% opposition from labor to the original bill—not the highway safety, but the industrial safety being taken out of the Labor Department—and also the opposition around the State House and in the legislature against establishing a new department, the bill was held back until practically the last minute in order that the committee might make sure of determining the crystallized sentiment on this bill. When the committee felt they had determined this correctly, they reported out the original bill in a new draft under a new title, unanimously "Ought to Pass". This bill establishes a new division under the Department of State Highway Police and provides for the supervisor of that new division to be appointed for a term of five years, by the Governor and Council.

It really makes no difference to me one way or the other whether the original bill passes or the new draft passes. I introduced the original bill and was in favor of it but thought there was sufficient opposition on the part of the people in the state of Maine against taking it out of the Labor Department and against establishing a new department, so it seemed policy to report out the new draft. I just wished to explain the stand of the committee on this matter, and because of that, I wish to move the indefinite postponement of Senate Amendment "A" to the new draft.

Mr. MARDEN of Kennebec: Mr. President, speaking in favor of the proposed amendment but nevertheless not wishing to urge anything which will result in any slackening or lack of efficiency in the system which the Department of Industry has developed for industrial safety, it seems to some of us that a combination of the two efforts would result not only in more efficiency in the field of safety but distinct economy in time and experience in developing highway safety to the point which commendably has already been reached by industrial safety. I think it certainly can not be gainsaid now that if there is any crying need for any legislation it is in the direction of highway safety and if by utilizing the experience and lessons which industrial safety has taught from the last few years we can more quickly gain the same goal in highway than we could by starting from scratch, so to speak, it would seem to some

of us that it was highly important to do that thing. Now, I appreciate that early in the session, as I remember it on the 3rd of February, when the hearing was held in this room before the Ways and Bridges Committee on this particular measure, that representatives of labor felt that it was an unjust attitude or gesture toward their department to attempt to graft upon it, or vice versa, the matter of highway safety. I also very distinctly got the impression that that objection was based largely upon the matter of appropriation which the industrial department had been obtaining for that purpose, although I may be in error on that.

I do not want to take the time of this Body on figures but the idea of highway safety, it seems to some of us, goes more hand in hand with some engineering experience and a proper survey of causes of accidents than it does with the idea of police activity, because the real program which industrial safety has developed has been, as I understand it, in three directions; one, engineering from the standpoint of proper equipment and mechanical devices; second, the education of employees; and third, the enforcement of those rules and regulations made by the department.

Now, there are some very interesting figures, which I think can not be gainsaid, from some of the large industrial plants in the state showing what they have accomplished in the way of industrial safety over the last few years. And in citing those I do it merely to urge upon this Body that from that experience a great deal can be gained by a coordination of the two and a combination of the two departments. Now, the data given me from the Bath Iron Works, which for the last year or so has employed some 700 employees, is that back in 1930 the percentage of hours lost to hours worked by virtue of industrial accidents was one and a fraction percent. That has been steadily reduced until in 1935 it was four hundredths of one percent. The lost time in 1930 due to accidents represented fifteen minutes out of each 24 hours. In 1935 the lost time due to accidents represented forty-two seconds out of 24 hours. In 1930 the Bath Iron Works paid some \$39,000 plus, in compensation insurance premiums, which represented a per capita expendi-

ture of \$33.39; and in 1936 that per capita expenditure had been reduced to \$19.96 a man.

The St. Croix Paper Company in Woodland, Maine, employing from 380 to 500 employees, installed their safety program in 1926. Prior to that time, with incomplete figures as far as the lost time due to accidents is concerned, there was an annual average compensation loss of \$8,000. From 1926 to 1936 inclusive, that has been reduced to an average of \$2200, and for four years not a cent was paid for lost time, one of the years since then bringing the average very high due to two fatalities. Expressed in another way, the cost per man in that plant from 1920 to 1924 inclusive was \$16.60 annually and from 1932 to 1936 inclusive was four and a half cents annually.

Our own Hollingsworth and Whitney plant in Waterville, employing 1500 men, in 1929 the number of lost time accidents was 209. They installed their safety program in 1930 and in 1930 the number of lost time accidents was 77; in 1931, 18; in 1932, 4; in 1933, 6; in 1934, 13; in 1935, 5; in 1936, 6; reducing from an average of 293 days per month lost prior to 1930 to 32 and a fraction cents.

I do not wish to bore you with these figures but the point that some of us desire to make is that the vast accomplishments in that field plus the experience gained may very well enure entirely to our benefit on a highway program and that by combining the two with no detriment, and certainly with none intended, to the industrial program that now exists, that we can start about 10 years ahead of time on highway safety, goodness knows, we need it. I hope the motion of the Senator for Senate Amendment "A" will prevail.

Mr. BECKETT of Washington: Mr. President, speaking very briefly in support of the amendment to this bill, as Senator Friend stated, there has been a change in sentiment among the labor units in Washington County and they are very emphatic in their endorsement of this amendment. Possibly that is true because they have been in a position to see the actual accomplishments of industrial and highway safety work. The man at present in charge of highway safety and industrial safety in the state was the man who installed the safety work

in the St. Croix mill in Woodland and at that time I believe that mill was having about 125 accidents per year with four or five fatalities and that due to his work that mill for three consecutive years won the world's record in the pulp and paper industry for lack of accidents and, as a matter of fact, the manager of that mill states that the industrial safety work in that mill probably saved the concern about \$30,000.

Now, personally, I have been in a position the past year to come in contact with the work of the Highway Safety Department from a municipal angle and I have had the opportunity of contacting the workers from this department in that field and also of receiving cooperation from this department in the state house. Personally, I feel that we can not do too much for this department. I have been in the office here in and out of the session and I find that the personnel of the office has developed a fine spirit within themselves. Their set-up as a separate department at the present time, having functioned that way for about 15 months, is such that every one connected with the department is absolutely loyal. They don't object to working over time. They seem to be intent upon making a record for their department along the line of both highway and industrial safety work, and I think they have proven conclusively that they have the equipment and facilities and also the intent and ambition to put over a department which will certainly be a success to the state and I really think it would be a mistake to subject the work of this department to another department of state. I think that with the spirit of independence they can go much further and accomplish much more for it. I certainly endorse most heartily the amendment to this bill.

Miss MARTIN of Penobscot: Mr. President, I hesitate to speak after the three previous speakers because they have covered the subject so adequately but I would like in particular to endorse the statements that have been made and I do feel very definitely that any service that we set up in this matter should be separate from the department which it is supposed to serve. In other words, a fact-finding group shouldn't be under the authority of

the group that it is supposed to find the facts about. It should be independent and outside so that it can get a perspective on the work that is being done, and for that reason I would favor the amendment.

Miss LAUGHLIN: Mr. President, if I may say one word more, something was said about there being opposition to a new department. All three bills set up a new department, only, one is called a division and another is called a department and as a rose by any other name would smell as sweet I don't think it makes much difference whether you call it a division or a department. And one point I would like to emphasize, if we should pass this new draft and not the amendment we would have no provision in legislation for the prevention of industrial accidents at all. We would have it just by an extension of authority, so that we would either not be covering industrial accidents or we would be simply leaving it to some department to take up by itself, and that is one of the things I wanted especially to look up. There is no other legislation and this amendment will create one department covering all phases of accidents, both highway and industrial and without it the only thing we do provide for in legislation is merely in reference to highway accidents.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Friend, that Senate Amendment "A" to Legislative Document 1057 be indefinitely postponed.

Miss LAUGHLIN: Mr. President, may we have a division?

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

A division of the Senate was had.

Four having voted in the affirmative and twenty-three opposed, the motion to indefinitely postpone Senate Amendment "A" did not prevail.

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

Miss LAUGHLIN: Mr. President, I suppose that in view of the fact that Senate Amendment "A" has been made as an amendment to 47, it would be necessary to offer an amendment to Senate Amendment "A," that would amend the new draft by substitution of the title, and so forth, and I would ask that that be laid on the table for the

necessary few moments to prepare that.

The motion to table prevailed.

On motion by Mr. Ashby of Aroostook, the Senate voted to take from the table, 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), tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. ASHBY: Mr. President and members of the Senate, we have exempted the following from the jurisdiction of this Board: first, the University of Maine and the normal schools; then, the Forestry Department; later, by another amendment, the Department of Inland Fish and Game; later, by still another amendment, the employees of the Adjutant General's office. Then again, we exempted the personnel of the Agricultural Department. Now, that is more than half, I think, or a good half, of the departments that would come under the jurisdiction of this department and in view of the fact that the proponents of this measure claim that the rest are automatically exempted by the provisions of the bill it would seem to me that since there is nothing left to be considered here except the elevator men and a few stenographers around the building that, in view of the financial embarrassment of the state, the extreme financial embarrassment, and in view of the fact that this is not included in the budget, it would seem a little rash to set up a new department at a cost of about \$10,000 to take care of these very few employees now. Therefore, I move the indefinite postponement of the bill and ask for a division.

Miss MARTIN of Penobscot: Mr. President, and members of the Senate, Senator Ashby certainly does surprise me because he told me a little while ago that he was going to amend the bill and now he wants to indefinitely postpone it. I am glad he has brought out the facts, supposedly, that he has brought out because he is mistaken in most of them.

To begin with, he says that most of the employees are exempt under the provisions of this act. He is forgetting the fact that we have

2511 employees in the state. Now, the exemptions that we have passed so far under the guise of amendments, have been 103 game wardens who were exempted for the simple reason that they are now under civil service and there is no reason for bringing them in under another civil service act. We have exempted four, not all, of the employees, Senator Ashby. Your amendment was for the departmental heads in the Department of Agriculture. In other words, we have exempted four down in the Department of Agriculture but the clerks and stenographers and employees of that department are under the provisions of the act. We have exempted two from the Attorney General's department, those two being lawyers, Judge Fogg and Mrs. Stubbs. Their jobs are highly technical. They have been there for a good many years. There is no reason why they should have to pass an examination or why anyone should have to pass an examination for that particular job because the Attorney General or the Governor and Council, in making those appointments would be sure they were getting someone very well qualified for them.

Now as for exempting those in the Forestry Department, they were exempted for the simple reason that the state at the present time has no jurisdiction over them whatsoever. They are not on the state pay roll. The state does not pay them any salary. Their salaries come entirely from the owners of the timberlands. Naturally they shouldn't come under the provisions of this act because the state has no jurisdiction. I question whether it was necessary to pass that amendment for the simple reason that we have no jurisdiction but it made the timberland owners a little happier and I have sat here and seen most of these amendments adopted with the feeling that, "Well, if that will do away with some of the opposition, we will let them go along even if they aren't necessary."

As far as the school teachers in the University of Maine and in unorganized territories are concerned, it is very obvious that we don't want a school teacher in a job for life because our school system must be kept up to the times and we must not leave anyone in there too long and must be able to transfer them from one school to another and must get new ideas if we are

going to keep the youth of the state up to date.

Those are the exemptions that we have made so far. I think they are reasonable and do not include very many out of that total payroll of 2511 employees, and that, by the way, doesn't include the new employees that will be added in the Social Security departments that are being set up by the state recently.

Gentlemen, I hope the motion of the Senator will not prevail, and when the vote is taken I would move for a roll call.

Mr. ASHBY: Mr. President, according to the contention of the Senator from Penobscot, Senator Martin, the 2300 employees, or whatever the number is, consists mostly of stenographers and elevator men, and positions like that. Now, it would seem to me that it wasn't absolutely necessary to set up a department to take care of a lot of these minor employees. However, since there are a few major employees that haven't been exempted, one, in fact, in the Highway Commission which is perhaps the most important department in the whole state because it handles more money than any other one department, if the Senator will consent to a reconsideration of this bill being passed to be engrossed, I will offer another amendment.

Miss MARTIN: Mr. President, I don't understand whether he is asking my permission for reconsideration, but certainly I am opposed to that because I don't believe that we want to put this bill back into unfriendly hands. It has been shot at from all sides and in an underhanded manner since its introduction and I hope now that it has reached the enactment stage we will face the issue fairly and squarely and vote on whether we want this bill or whether we don't.

Mr. ASHBY: Mr. President, I am not proposing to put this into unfriendly hands. In fact, I am putting it into very friendly hands for even the Speaker of the House himself is in favor of it. However, to get the sentiment of the Senate I would ask, before I make a motion to indefinitely postpone, if it is in order, that the Senate reconsider its action: whereby this bill was passed to be engrossed.

Miss MARTIN: Mr. President, may I make a parliamentary inquiry?

The PRESIDENT: The Senator from Penobscot, Senator Martin, may state her question.

Miss MARTIN: Since this was passed to be engrossed on Thursday is it in order that a motion for reconsideration should be made at this time?

The PRESIDENT: A motion for reconsideration is in order at this time but before the matter can be reconsidered it is necessary that the rules be suspended which requires a two-thirds vote. The pending question is on the motion of the Senator from Aroostook, Senator Ashby, that the Senate reconsider its former action, under suspension of the rules, whereby this bill was passed to be engrossed. Does the Senator ask for a division?

Mr. ASHBY: I do, Mr. President.

The PRESIDENT: And the Senator from Aroostook, Senator Ashby, asks for a division.

A division of the Senate was had.

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

Mr. ASHBY: Mr. President, I now ask for its indefinite postponement and I asked for a division but I believe the Senator from Penobscot, Senator Martin, has asked for a roll call.

The PRESIDENT: Before a roll call can be ordered it is necessary that one-fifth of the members of the Senate present signify their desire for the roll call. Is the Senate ready for the question?

A division of the Senate was had.

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

The PRESIDENT: The question is on the indefinite postponement of Legislative Document 970. Is the Senate ready for the question? The Secretary will call the roll.

The Secretary called the roll.

YEA: Tompkins—1.

NAY: Ashby, Beckett, Blanchard, Burkett, Chase, Corrigan, Deering, Fernald, Fortin, Friend, Goudy, Graves, Hussey, Kennedy, Laughlin, Lewis, Littlefield, Malier, Marden, Martin, Osgood, Owen, Potter, Sewall, Spear, Walsh, Wentworth, Willey, Worthen—29.

ABSENT: Cook, MacKinnon—2.

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

Thereupon, on motion by Miss

Martin of Penobscot, the bill was passed to be enacted.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table An Act Relating to Bounty on Porcupines and Hedgehogs (S. P. 172) (L. D. 260), tabled by that Senator on April 16th pending motion to recede and concur.

Mr. HUSSEY of Kennebec: Mr. President, I hope that the motion to recede and concur will not prevail as I have another motion which I would like to present which is that we insist on our former action and ask for a Committee of Conference and I would like to yield at this time to the Senator from Penobscot, Senator Worthen.

Mr. WORTHEN of Penobscot: Mr. President, this porcupine matter seems to be quite important. It has been discussed more or less for a number of weeks. I would like to state that we have a law on our statute books placing a bounty on hedgehogs. Two years ago this bounty was suspended for two years. This bill before us would allow this bill to be suspended for two more years. As chairman of the Fish and Game Committee I do not recall that there was a great deal of evidence submitted to us one way or the other. We did, however, as a committee report this out "Ought Not to Pass." Since that time I have received several letters from boards of selectmen, from the small towns stating that they hoped this bill would pass which would suspend the bounty for another two years, stating that not only did they consider the revenue that the state would have to pay but also that it is a nuisance and that a great deal of fraud was connected with the porcupine bounty. There is no question in my mind but what a great number of so-called porcupines are killed across the border and hauled into the state and we pay the bills and I do know—I don't know this but I have heard it—that certain people even manufacture toes and noses to collect the 25 cents and I do know of one instance where some of the hide of a porcupine was rolled up into a ball, quite a large one, and a few noses and toes stuck on the outside and that those were presented to a town clerk or treasurer, whichever it may be, and they collected probably a great many times what they were entitled to.

Now, for these reasons, and the fact that I have received several letters since our committee cleaned up its duties, I now trust that this bill may pass which will suspend the bounty for two more years.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Hussey who hopes that his motion to recede and concur in the action of the House does not prevail. Does the Senate understand the question?

A viva voce vote being had

The motion to recede and concur did not prevail.

Thereupon, on motion by Mr. Hussey of Kennebec, the Senate voted to insist on its former action whereby Senate Amendment "A" was adopted and ask for a Committee of Conference; and the Chair appointed as members of such committee on the part of the Senate, Senators Hussey of Kennebec, Worthen of Penobscot, and Willey of Cumberland.

Sent down for concurrence.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table An Act Relating to Exemption of the State from Taxation (H. P. 1873) (L. D. 1044), tabled by that Senator on April 17th, pending adoption of House Amendment "A"; and that Senator yielded to the Senator from Franklin, Senator Blanchard.

Thereupon, House Amendment "A" was read and on motion by Mr. Blanchard of Franklin was indefinitely postponed in non-concurrence.

On further motion by the same Senator the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, An Act to Establish Organized Highway Accident Prevention Work as a Function of the Maine State Police, (S. P. 522) (L. D. 1057), tabled by that Senator earlier in today's session pending second reading; and on further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" was adopted, and that Senator presented Senate Amendment "A" to Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to Senate Amendment 'A' to Legislative

Document 1057, an act entitled, 'An Act to Establish Organized Highway Accident Prevention Work as a Function of the Maine State Police.' Amend said amendment by providing that the title to said Legislative Document 1057 be stricken out and that there be substituted therefor the following: 'An Act Providing for a State Department of Safety and for the Prevention of Accidents on Highways and Industrial Establishments and Otherwise.'"

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

Sent down for concurrence.

The PRESIDENT: The Senate will take a short recess pending the sound of the gavel and gong.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: Under a Resolve Creating a Recess Committee on Labor Relations, S. P. 502, L. D. 1028, the President of the Senate is directed to name on that committee one member who is a member of the Senate, and the Chair at this time names Senator Martin of Penobscot, as the Senate member of the Committee on Labor Relations.

Additional paper from the House, out of order and under suspension of the rules, disposed of in concurrence.

Mr. WILLEY of Cumberland: Mr. President, just a few minutes ago the Chair honored me with an appointment on the Hedgehog Committee, but owing to other duties, I am very busy, and I would prefer not to serve, if the President would name someone in my stead.

The PRESIDENT: If there is no objection to the Chair naming someone in the place of Senator Willey, the Chair will name Senator Goudy of Cumberland, to serve on this committee.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, House Report from

the Committee on Temperance, Majority report, "Ought to pass in New Draft" (H. P. 1867) (L. D. 1037), minority report, "Ought Not to Pass" on bill, An Act Relating to Liquor Licenses (H. P. 1597) (L. D. 659), tabled by that Senator earlier in today's session 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, and the bill was given its first reading.

Thereupon, Mr. Willey of Cumberland offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 1037, An Act Relating to Liquor Licenses. Amend said act by striking out in the third line of said bill the figures '\$100' and inserting in place thereof the words 'twenty-five dollars.'"

Mr. WILLEY: Mr. President, in explanation of this amendment,—if you will turn to that bill you will see it refers to clubs. There are 14 clubs licensed in this state. None of these clubs are operated for profit. They are social clubs. I have talked with the commission, one member of the commission, in the presence of one of the other members, and the figure that I have named in the amendment, \$25.00, will cover the cost of supervising those clubs and see that they are operating in conformity with the regulations of the commission. Due to the fact that most of the clubs are in a precarious financial condition, I move the adoption of this amendment.

Senate Amendment "A" 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", in non-concurrence.

Sent down for concurrence.

On motion by Mr. Willey of Cumberland, the Senate voted to reconsider its action taken earlier in today's session, whereby bill, An Act Relating to Exemption of Estates from Taxation, (H. P. 1873) (L. D. 1044) was indefinitely postponed in non-concurrence.

Mr. WILLEY of Cumberland: Mr. President, the purpose of asking the Senate to reconsider, for which I express my appreciation, was to explain the amendment to the bill and the purpose for which it was



introduced in this legislature. For a great many years the state exempted the estates of veterans of Spanish and Civil War and their widows. There was some feeling during the last session of the legislature that some of the veterans and some of the veterans' widows had inherited some considerable amount of money, that they were investing in real estate and therefore, escaping all taxes. The legislature then changed the words, as you will see in the fourth line from the bottom, from estates, and it says, "homes and personal property up to the value of \$5,000". Previously it read "estates up to \$5,000." Now, the bill as amended by House Amendment "A" provides that the estates be exempted provided their income does not exceed \$1200 per annum. The bill, before it was amended, would require the veteran or the widow to live in the house or some part of it. Now, there are many cases where a widow of a veteran owns a home. Owing to her advanced years, sometimes 90, sometimes over 90, she is permitted to get revenue, say of \$15, \$20 or \$30 a month from the house, but she is not able to live there alone. She has to go and live with her children or her relatives and that pittance she gets out of that property is of great assistance to her.

Now this measure, in the other branch was unanimously adopted, given its three readings, and I think passed to be engrossed. I think it has a great deal of merit, as amended by House Amendment "A". I think there is a condition there which ought to be corrected. I think the amendment corrects it and permits those people in their declining years to get benefit from their property although deprived from living in it because of advanced years and physical condition, and so they are compelled to live with members of their family. I will move that the rules be suspended, and the bill be given its second reading at this time. Just a moment, Mr. President, a member of the Senate asks that House Amendment "A" be read.

The Secretary read House Amendment "A".

Mr. WILLEY: May I ask a question of parliamentary procedure, Mr. President?

The PRESIDENT: The Senator may.

Mr. WILLEY: Is it necessary also for me to move reconsideration of our former action?

The PRESIDENT: The Senator may move at this time for the adoption of House Amendment "A" in concurrence, if he wishes.

Mr. WILLEY: I so move, Mr. President.

Mr. BURKETT of Knox: Mr. President, I think anyone will agree that I am in sympathy with old age, as much as anybody in this Senate. I have worked for them and voted for them and have done everything I could. But where a Senator can show one or two cases possibly that might have merit, there are many abuses. You all know the soldiers or their widows get \$45 a month or better. That is more than a lot of us get. When we exempt them from taxing property—outside of that—we are going quite a ways. I know cases where people have built two or three houses and got exemption through those causes. I think the motion Senator Blanchard made a little while ago should prevail.

Mr. WILLEY: Mr. President, in answer to the remarks of Senator Burkett, the exemption in the amendment would not apply to anyone who receives over \$1200 a year by way of income. \$45.00 a month as pension may sound like a lot of money but if one of us had an aged parent 91 or 92 years old who was in need and had to have constant care, we could readily see that would not amount to anything.

I think perhaps I should make a little explanation of the original law. The law was existing, giving exemption, a great many years and up to 1935. It was only changed at the last session of the legislature. It has worked a great hardship on many veterans and many widows of veterans. I do not think we should get too small about this matter. I think we should honor the services of those who served this country. Although many died, their widows lived to a mature age. I think we should be very lenient and generous with those old people. I think we should concur with the House and give them all the benefits we can. Most of them cannot live probably more than eight or nine years more. I do not think we should legislate against them now. We have protected the state in that they cannot get this exemption if they have an annual income of \$1200 or more.

The PRESIDENT: The pending question is on the adoption of House Amendment "A" to Legislative Document 1044.

Mr. GOUDY of Cumberland: Mr. President, I do not want to, in any way, talk against this bill. I will say, however, that the people of Maine have been very lenient and very nice to our veterans and to their widows, but having been associated with civic affairs for some little time, I know that the people did take advantage of the law as it existed prior to the amendment of the legislature. The proposition reached a point whereby the son-in-law of a veteran's widow, wishing to invest in real estate, would buy two or three low priced houses for the purpose of renting, and then would place them in the title of the widow's name, thereby eliminating the possibility of the city collecting taxes. It happened real often under the old law, where the widow would go to live with the son or daughter for the purpose of letting her house, and being relieved from the burden of taxation, it was a very profitable proposition, so that the cities were being imposed on to such an extent that they came to the legislature and asked it to be amended to that it would apply only to homes, that is, the residence in which the person resided, so as to eliminate the possibility of defrauding the city of taxes. The law as it was, was abused. That is the reason the amendment to it was invoked by the legislature. The amendment, as I understand it, now provides a person receiving an annual income of \$1200 shall not be exempt, but I say it can be interpreted, the income of \$1200 as salary or income but does not apply to rent taken from their property. So I think before it is voted on, it should be given careful consideration. We had the law once and it was abused and prevented the city from collecting taxes as it was placed under a name under which taxes could be exempt.

Mr. WILLEY: Mr. President, the enactment of this bill, as amended by House Amendment "A", with the limitation of \$1200, could not cost the state but very few dollars. I know Senator Goudy stands firmly for the Spanish War veterans. I know he wants to help them. I know he feels amiable, and I refer you to Legislative Document 15, which I will read to you, and which

he introduced. "An Act to Provide for the Completion of the Payment of a Bonus to Maine Soldiers and Sailors in the War with Spain. Section 1. Short term notes to issue for Spanish War bonus. The governor, with the advice and consent of the council, is hereby authorized and directed to issue from time to time as may be necessary, under the provisions of this act, short term interest-bearing serial notes of indebtedness for the payment of a bonus to the soldiers and sailors of the state in the war with Spain, provided, however, that any indebtedness so incurred shall not exceed \$75,000 and shall be subject to the provisions of Article 42 of the Constitution of Maine. Section 2. Spanish War bonus authorized. Each honorably discharged soldier and sailor, or member of the armed forces, resident of the state of Maine, who served in the quota of Maine, in the war with Spain, shall be paid \$75 bonus."

Now, I certainly don't want to be a member of the legislature that feels any different about these veterans or their widows, who, as I say, cannot live at the most, more than eight or nine years, than Senator Goudy, who comes here and tries to get this bonus for them. I don't know whether he got it or not but I hope they got the bonus for the services they rendered the country in the early days. I do not think in Maine we will oppose them having a free place to live in, exempting their humble home to live in.

There can be no fraud practised under this law because it says their income cannot exceed \$1200. If this matter was going to continue on—if it was a matter where fraud could be practiced or a matter that would cost the State a great deal of money, it would be a different thing entirely. But it is a matter that cannot continue over eight or nine years because the average age is around 90 years. With that in mind, I hope there will not be a voice raised against giving these people what we can.

Mr. GOUDY: Mr. President, this does not apply, certainly, to only widows of Spanish War veterans. It also applies to World War veterans.

Mr. HUSSEY of Kennebec: Mr. President and members of the Senate, we have in this county of Kennebec one town which is receiving

emergency aid, and the direct cause, or one of the direct causes of that town applying for emergency aid, was on account of the large exemptions claimed by veterans or widows of veterans of various wars in which this republic of ours has been engaged. This happens to be the town of Chelsea. Chelsea is situated very near the Veterans' Home here. A large number of the inmates of that home, while staying in the hospital or in the barracks part of the year, would go out and buy a camp on one of the streams thereabouts, or the lakes, or buy a home in the town of Chelsea, which is the nearest town. Then they would claim exemption under the law. That, of course, reduced the town's taxable property to a large extent. I thoroughly believe it is one of the main causes of why it was compelled to call on for emergency aid.

Mr. WILLEY: Mr. President, I would like to ask a question of Senator Hussey through the Chair. Senator Hussey, how many instances did you say, of such a nature, existed in the town of Chelsea?

Mr. HUSSEY: I didn't say any specific number.

Mr. WILLEY: For the information of the Senate, I want to say that Representative Thompson who was in the last legislature, drafted this bill and brought it before the Judiciary Committee, of which I was a member, and at the time, the evidence as I recall it, was that there were only two, and his complaint was that they were living in half of the house and renting the other half of the house.

Mr. HUSSEY: Since that time Chelsea has been on emergency aid.

Mr. WILLEY: Does the Senator think those two houses put the town on emergency aid?

Mr. HUSSEY: I might answer that I do not recall the instances of the two houses you are speaking about.

Mr. SEWALL of Sagadahoc: Mr. President, apparently this is one of these bills that might be called a hardy biennial. I have never been on it before, but I know this year in the Taxation Committee, we had, as I remember, four bills which dealt more or less with this subject and we instructed or suggested that one of our members take these four bills and consolidate them into one, with the idea that we could give fairness to all, but obviously that is

impossible in this situation. In other words, if we change it back to where it was, someone will be dissatisfied about that. If we leave it where it is, they are dissatisfied. Now I am inclined to think that the definition—the bill was sent out from committee with the new definition of the word "homes" as used in this paragraph "The word 'homes' as used in this paragraph shall mean the actual building, or such part or parts of a building as is occupied as a dwelling place by the person claiming exemption."—I am inclined to think that is a little narrower than the interpretation given by the attorney general for "homes" under the law which operated before. He said, "After a careful investigation of the law, I am of the opinion that 'home' as it appears in said chapter means 'home and adjoining land where the owner with his family dwells and does not extend to other tenements, lots and farms.'" In other words, that gives the veteran or his widow absolute tax exemption on the home and on the land where he or she lives. Apparently there was a considerable abuse of the law the way it was written, and I am inclined to think that inasmuch as you cannot satisfy everybody, that what we did this morning came the nearest to being correct. In other words, let's put it back where it operates under this order of the attorney general, and I think we will have less abuse and more fairness under that. I move the indefinite postponement of House Amendment "A".

Mr. WILLEY of Cumberland: Mr. President, I don't know but what the members of the Senate might come to the conclusion, after the remarks of Senator Goudy, that all veterans of the World War were exempted. We exempt under this law only those World War veterans who receive compensation from the government and who are totally disabled. As for the Spanish and Civil wars we exempt those who have reached the age of 62 years. Now, it seems to me awfully small if we are going to say to one of those poor old persons who, because, as I said before, of their infirmities and their advanced age that we are going to say if they have a little home that they have acquired by thrift and hard work that they can't live in it because of their advanced age and they might have to go to live with one of their children, to

say that they can not have the income from that little home that they labored for perhaps all their lives and might now only have for a period of eight or nine years which is about all the time they have left to live. It is pretty hard legislation when you get down to legislating against those poor old people and I certainly hope that this Senate will stand against any motion to indefinitely postpone Senate Amendment "A" because I think it would be a reflection against us if we legislate against those poor old people, and I am saying those poor old people who can not live in their homes because of infirmity or sickness and have to go somewhere else, then we will take all the income they have. Now, this amendment protects the state. If they have an income of \$1200 or more they can't be exempted.

Now, let's not be too hasty with these old people. I am sure I want to go on record as helping them. If it were going to be for a hundred years it would be different but it can only be for perhaps eight or nine years so let us have a little consideration before we take away from those old people what they have worked for and can only use, perhaps, a few years until they pass out of the world.

Mr. GOUDY: Mr. President, if I may have permission to speak a third time, I have all the sympathy in the world for the unfortunate and I think the people of the state of Maine have gone out of their way to make them comfortable and to do all they can for them in more ways than one. Now, the law exempts their home up to an assessed valuation of \$5,000. That is assessed valuation. They are assessed, however, at two-thirds of their real valuation which would exempt their property up to \$7500 of its real value.

Now, the Senator from Cumberland, Senator Willey, refers to the fact that they can only have this property for nine or ten years, but inasmuch as it takes in veterans and their widows of the World War it can continue for a long period of years and I simply say that it protects the cities against people who

might defraud them and escape the payment of taxes, and that is the purpose of the amendment and I feel we are making quite a concession when we exempt their homes up to the real value of \$7500 or the assessed value of \$5,000. I don't think we are called upon to exempt them any further on property from which they are receiving incomes in the way of rent.

Mr. WILLEY Mr. President, it is interesting to look back over the history of Maine a little when people talked dry and drank wet and, come down to the legislature and talk economy and vote against it, and then we talk for the veterans and vote against them.

Now, why don't we do what we say? If we want to help these old people let us vote for them. That is the way to help them; not talking for them and voting against them. It isn't going to cost the state any more. This amendment only provides that if they don't live in the house they can still get the revenue. Now, let us be fair. If you are against the veterans, stand up and talk against them. If you are for them, vote for them and when the vote is counted people will know how the Senate stands. And, Mr. President, when the vote is taken I ask for a division.

The PRESIDENT The pending question is on the indefinite postponement of House Amendment "A" in non-concurrence with the House, and the Senator from Cumberland, Senator Willey has asked for a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and eight opposed, House Amendment "A" was indefinitely postponed in non-concurrence.

Thereupon, the bill was indefinitely postponed in non-concurrence. Sent down for concurrence.

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

On motion by Mr. Graves of Hancock,

Adjourned until tomorrow morning at ten o'clock.