

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, April 4, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Robert Beecher of Hallowell.

Journal of yesterday, read and approved.

House Committee Reports

The Committee on Banks and Banking on bill "An Act Regulating Automobile Finance Business," (H. P. 1543) (L. D. 861) reported the same in a new draft (H. P. 2124) (L. D. 1112) under the same title and that it ought to pass.

The Committee on Public Health on bill "An Act Relating to Apothecaries and the Sale of Poisons," (H. P. 1196) (L. D. 472) reported the same in a new draft (H. P. 2128) (L. D. 1113) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to the Sale of Cigarettes," (H. P. 1703) (L. D. 870) reported that the same ought to pass.

The same Committee on bill "An Act to Require Annual Registration of Osteopathic Physicians," (H. P. 708) (L. D. 261) reported that the same ought to pass.

The Committee on Taxation on bill "An Act Relating to the Statute Defining Real Estate for Taxation Purposes," (H. P. 1737) (L. D. 832) reported the same in a new draft (H. P. 2129) (L. D. 1114) under the same title and that it ought to pass.

The Committee on Ways and Bridges on bill "An Act Relating to Surface Treatment of Third Class Highways," (H. P. 728) (L. D. 310) reported that the same ought to pass.

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

From the House:

The Committee on Claims on the following Resolves:

S. P. 135 Resolve in Favor of Al. L. Graham, of Hollis.

H. P. 26 Resolve in Favor of John Duprey, of Winterville.

H. P. 66 Resolve in Favor of Herbert L. Smith, Jr., of Bucksport.

H. P. 67 Resolve in Favor of Stewart Jackson, of Portland.

H. P. 68 Resolve in Favor of Mrs. Mary Hersey, of Dover-Foxcroft.

H. P. 120 Resolve in Favor of Elphage Paradis.

H. P. 121 Resolve in Favor of Carus T. Spear, of Bangor.

H. P. 237 Resolve in Favor of Charles M. Austin, of Bethel.

H. P. 265 Resolve in Favor of Hamlin H. Maddocks, of Bangor.

H. P. 266 Resolve in Favor of Ivadell Gaddis, of East Machias.

H. P. 267 Resolve in Favor of William M. Fish, of China.

H. P. 269 Resolve in Favor of William P. Toulouse, of Waterville.

H. P. 371 Resolve in Favor of Jason Hutchinson, of South Portland.

H. P. 372 Resolve in Favor of Eugene Leach and Earl Kittredge, of Bluehill.

H. P. 455 Resolve in Favor of William N. Crosby, of Bangor.

H. P. 456 Resolve in Favor of R. Garland Redman, of Bucksport.

H. P. 461 Resolve in Favor of Evangeline P. Seaman.

H. P. 529 Resolve in Favor of Joseph A. Laliberte, of Augusta.

H. P. 689 Resolve in Favor of Alvah Goodhue, of Oakland.

H. P. 690 Resolve in Favor of George W. Batchelder, of Rockland.

H. P. 692 Resolve in Favor of A. I. Norton, of Dark Harbor.

H. P. 693 Resolve in Favor of R. B. McFarland, of Camden.

H. P. 695 Resolve in Favor of John L. Abbott, of Augusta.

H. P. 819 Resolve in Favor of Frank W. King, of Brewer.

H. P. 995 Resolve in Favor of Walter H. Steenstra, of Robbinston.

H. P. 1031 Resolve in Favor of Tileston W. Bickford, of Searsmont.

H. P. 1032 Resolve in Favor of Alfred G. Crawford, of Belfast.

H. P. 1042 Resolve in Favor of Roy L'ly, of Dresden.

H. P. 1043 Resolve in Favor of Norris Waltz, of Damariscotta.

H. P. 1118 Resolve to Reimburse Marion L. Frye, of Harrington, Maine, and the General Exchange Insurance Corporation of Portland for Damage done to the Marion L. Frye Car by a Deer.

H. P. 1256 Resolve in Favor of Asa Ladd, of Hartland.

H. P. 1375 Resolve in Favor of M. W. Eldridge, of Franklin.

H. P. 1764 Resolve in Favor of Elizabeth Achorn, of Union.

reported the same in a Consolidated Resolve (H. P. 2130) under the title of "Resolve Providing for the Payment of Certain Damages Caused by

Protected Wild Animals," and that it ought to pass.

In House report was read and accepted and resolves passed to be engrossed.

In the Senate, the report was read and accepted in concurrence and the Consolidated Resolve was given its first reading and tomorrow assigned for second reading.

First Reading of Printed Bills

Bill "An Act Relating to the State Police." (S. P. 623) (L. D. 1124)

Bill "An Act Creating the Port Authority of Mount Desert." (S. P. 626) (L. D. 1126)

Which bills were severally read once and tomorrow assigned for second reading.

Bill, "An Act Relating to the Maine Forestry District." (S. P. 624) (L. D. 1125)

Which bill was given its first reading.

Mr. Worthen of Penobscot presented Senate Amendment A and moved its adoption:—

"Senate Amendment A to Legislative Document 1125. Amend said bill by inserting after the word 'fires' in the ninth line of the section designated 'Section 75' the word, 'hereafter.'"

Mr. WORTHEN: Mr. President, when this bill was presented to the committee it had the word 'hereinafter' included after the word, 'fires' The committee decided to omit the word 'hereinafter.' We find that in order to carry out the intended meaning of the bill the word 'hereafter' should be inserted in the place where the word 'hereinafter' was left out. The members of the committee and the Forest Commissioner are wholly in accord with this.

Thereupon, on motion by Mr. Burns of Aroostook the bill was laid upon the table pending adoption of Senate Amendment A.

Passed To Be Engrossed

Bill "An Act Amending the Law Relating to Embalmers and Funeral Directors." (H. P. 1666) (L. D. 856)

Which bill was given its second reading.

Mr. MARDEN of Kennebec: Mr. President, I would like to offer Senate Amendment A to Legislative Document 856. This amendment substitutes the words 'Bureau of

Health of the State Department of Health and Welfare' for the words, 'State Board of Health' as at present.

The Secretary read the amendment:

"Senate Amendment A to Legislative Document 856. Amend said bill by striking out in the 21st line of the section designated 'Section 21' thereof, the words, 'State Board of Health' and inserting in place thereof the words 'Bureau of Health of the State Department of Health and Welfare.'"

Further amend said bill by striking out in the 9th line of the section designated 'Section 23' thereof, the words 'State Board of Health' and inserting in place thereof the words, 'State Department of Health and Welfare.'"

Further amend said bill by striking out in the 5th and 6th lines of the second paragraph of said section designated 'Section 23' thereof, the words 'State Board of Health' and inserting in place thereof the words, 'State Department of Health and Welfare.'"

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

Sent down for concurrence.

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Washington County to Edith D. McKenney, of Lincoln." (H. P. 1760) (L. D. 1063)

Bill "An Act Relating to Acceptance of Donations by Cemetery Corporations." (H. P. 2117) (L. D. 1109)

Bill "An Act Relating to Part-time Malt Liquor Licenses." (H. P. 2118) (L. D. 1110)

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

Bill "An Act Relative to Insurance Agents." (H. P. 2119) (L. D. 1111)

(On motion by Mr. Boucher of Androscoggin tabled pending passage to be engrossed in concurrence.)

Bill "An Act Relating to the Taking of Land by the State Highway Commission, and the Taking or Discontinuing of a Public Highway." (S. P. 298) (L. D. 584)

Bill "An Act Relating to Procedure in the Support of Neglected

Wives and Children." (S. P. 524) (L. D. 1064)

Bill "An Act Providing for the Publication of an Annual Statement of the Financial Condition of the State by the State Controller." (S. P. 618) (L. D. 1116)

Bill "An Act Relative to Trapping Muskrats." (S. P. 619) (L. D. 1117)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, House Report from the Committee on Legal Affairs, Majority Report "Ought to Pass", Minority Report, "Ought Not to Pass" on bill, An Act to Permit Sunday Moving Pictures (H. P. 1665) (L. D. 736), tabled by Mr. Spear of Cumberland on April 1st pending motion to reconsider acceptance of the minority report.

Mr. SPEAR of Cumberland: Mr. President, one of the Senators has just telephoned that he is on his way up here and for that reason I would like to ask the indulgence of the Senate, that this matter lie on the table until he arrives. I so move, Mr. President.

The motion prevailed and the bill was retabled pending the motion to reconsider acceptance of the minority report.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, House Report from the Committee on Judiciary "Ought to Pass in New Draft" on bill, An Act Increasing the License and Permit Fees for Outdoor Advertising (H. P. 385) (L. D. 103) tabled by that Senator on March 30th 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 and tomorrow assigned for a second reading.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, bill An Act Authorizing Peabody Law School to Confer Degrees (H. P. 6) (L. D. 13), tabled by that Senator on March 30th pending second reading; and on further motion by the same Sen-

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

Mr. HILL of Cumberland: Mr. President, I had intended to speak on the passage to be engrossed, and I move the Senate reconsider the vote just taken whereby the bill was passed to be engrossed.

The motion prevailed, and the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. HILL: Mr. President, I regret exceedingly to hold on this measure a different point of view from that held apparently by my friend the distinguished and learned Senator from Cumberland, Senator Sanborn. It appears to me, however, that the State of Maine has already gone to a very considerable extent in conferring upon this Peabody Law School at Portland the rights that have already been conferred by previous legislatures. Now we seem to be confronted with the question of whether or not this organization should be given the right to confer degrees ordinarily conferred by law schools upon their graduates. I think before the Senate acts on the matter it should be brought at least to the attention of this body that Peabody Law School is not a law school recognized by the American Bar Association as having complied with those absolute minimum requirements which that association regards essential to proper legal training and preparation for the bar.

I have here the Annual Review of Legal Education published by the American Bar Association, published June 1, 1938, which I understand is the latest publication. On page 45 of this book we find at the head of the page, "Unapproved Schools" and there listed under the state of Maine is Portland, Peabody Law Classes. It seems to me that it is unapproved by the American Bar Association for very good and sufficient reasons. Now, under the bill if we look at Legislative Document 13, the provisions are so broad that the school would be given authority to confer any kind of legal degree and upon anyone they saw fit. The ordinary degree that the attorney generally has is the degree of Bachelor of Law but there are other degrees conferred by the law schools, particularly for post graduate work,—that is, if a man has graduated from a law

school he may then in some institutions pursue still more advanced work and procure perhaps the degree of Master of Law or perhaps the degree of Doctor of Social Jurisprudence and there are various degrees which may be conferred for exceptional work or for particular distinction in the legal field.

This bill would give that school which is not approved by the American Bar Association, the right to give those degrees without any restriction whatever. It does not provide that it shall confer the degrees upon the graduates of the school. The bill reads in part that the school "shall have full power and authority to confer such degrees in law as are usually conferred by universities and law schools established for the education of youth." I see there nothing to prevent degrees being conferred upon first year students. Not that I believe there is any intention to do this, but it hardly seems proper to confer so broad an authority upon this or a similar school. I do not believe that this school, although it may be doing good work, has yet attained that degree of proficiency which would warrant the state of Maine in conferring that authority upon it, and until such time as it has become recognized by the American Bar Association or at least in some other way attained to the minimum requirement for such education, I should oppose such a measure as this and I move, Mr. President, that this bill be indefinitely postponed.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I regret very much to say a single word which seemingly would offer opposition to the efforts of the Bar Association to raise the standard by which lawyers may go before the courts, but in this case it seems to me that I cannot conceive that giving a degree of any kind would make a lawyer. I do not see but that it plays a very little part of it. I know lawyers who have degrees and it appears to me that they ought not to be members of the Bar association. From another angle, I know from personal experience that some of the students graduating from the Peabody Law School attain high rank as they attempt to enter into the bar, and at the present time there are students there who are sons of rather eminent lawyers in the state of Maine, and I trust the

motion of the Senator from Cumberland, Senator Hill, will not prevail.

Mr. SANBORN of Cumberland: Mr. President, I had not supposed when this measure was reported back and came before this body that there would be any occasion which would seem to make it proper that one should defend the action of the committee which unanimously reported "ought to pass" upon this bill, but in view of what has been said, I think I may properly disclose to the Senate some of the matters which were presented to the committee at the hearing upon this measure.

In the first place, I may properly say that no one appeared in opposition to the bill. Not a word, either orally or so far as I know by written communication, was presented to the committee in opposition to this. Now, what was shown to us was, I have no doubt, true. Something of the history of this law school was given us, that back in 1927, a dozen years ago several young people came to Mr. Peabody who had theretofore for quite a number of years been, as I recall, professor of law in the University of Maine Law School at Orono, an institution which had then been discontinued. Acceding to their request, he gave them instruction. Three years later, and by the way, his efforts had become known and were advertised to some extent as the Peabody Law Classes—not incorporated and really nothing more than if two or three boys had come to my office and asked for supervision in law reading; but in 1930 it became incorporated under the general law. Reference has been made to legislation already passed in favor of this institution. I am not aware of legislation that has been passed, granting favors to this institution. It is incorporated under the general law.

It may not be improper to disclose the names of the present trustees of the institution. Of course, Mr. Peabody himself is President of the board, and it includes such men as Honorable Arthur Chapman, the most beloved and highly respected justice of our superior court; Honorable Harold Dubord of Waterville, against whom in his professional capacity no one would have anything to say even though we do not agree with his politics; Mr.

Peabody's brother, Henry, who is Register of Probate at Cumberland County; Honorable William M. Ingraham, an eminent attorney and formerly Judge of Probate; Mr. Benjamin G. Ward, who is Secretary of the Cumberland Bar Association, and Mr. Clarence A. Brown, a member of the firm of Bradley, Linnell, Nulty & Brown. I believe this is how they designate themselves at the present time. This is the board of trustees who would be entrusted the discretion of who might be proper and suitable candidates for degrees and what degrees might properly be awarded.

Then the faculty of the school: Mr. Peabody, of course, is dean of the school. On the faculty are such men as Mr. Richard Chapman, the son of Judge Chapman, and present assistant county attorney of Cumberland County; Mr. Frank I. Cowan, a member of the other house of this legislature. The others, for the most part, are younger attorneys, and we all know that the young attorney fresh from law school has the law at his tongue's end. I suppose that some of us older lawyers would shake in our shoes if we were confronted with the proposition that in order to continue practice we should go before the State Bar Committee and take the examination. These young fellows are not so. They are fresh in their knowledge and capable of giving instruction. So much for the board of trustees and the board of instruction.

Now, there have been—and I am reciting facts submitted to our committee—there have been at the present time 53 who have graduated regularly from the school and of that number 48 have been admitted to the practice of law either in this state or other states and of those taking the examination before the state board in Maine, in six instances, that is, six out of 53 have come through passing with the highest rank of any who took the examination on that occasion including all the other schools like Boston University and Harvard Law School, etc. In six instances Peabody students took the highest rank and in four other instances they took second rank. I submit that is pretty fair and satisfactory evidence of the training these young men get.

Now, it is well to inject here that when—I do not remember whether

it was two or four years ago—the measure went through the legislature raising the standard for admission to the bar, requiring anyone who should attempt to qualify for admission to have at least two years of college training. Now one would think Mr. Peabody might have opposed that measure. He did not. He favored it, knowing for the moment it might not increase his enrollment, but it would make for a higher standard, and that is what that school wanted.

Now, just a bit about the enrollment. There are at present in the graduating class eight students, in the second year there are nine students and the first year six students and one special student. Several are graduates from college and others have the two year requirement. Any of those who started early and have not the two year college requirement will, of course, not be eligible to be admitted to the bar.

I submit if this board of trustees whose names I have just read had introduced into this legislature a bill asking that they be incorporated as a law school with the right to confer degrees, such a bill, with that list of names, would have gone through this or any other legislature without a ripple.

It is customary for a law school to have the authority to confer law degrees. Frankly, I do not know what it amounts to. I suppose there are dozens of our lawyers who graduated from Boston University or Harvard who have degrees of Bachelor of Laws. I do not know who they are. Their names do not appear, but it is a fact that in the case of the young man looking ahead and selecting the law school he will attend, it is something to know he may become the recipient of a law degree, provided he can qualify.

What are the objections? So far, I have told you some of the things that were told our committee. I submit in hearing those facts and with no opposition, I ask what member of the Senate would have not signed the report "ought to pass?" Now, some of the objections we have since heard are that possibly the school is not permanent and has not been running long enough. I do not know what can be considered permanent. Certainly the Maine Medical School was not permanent and the University of

Maine Law School was not permanent. I do not know how it affects the degree of Doctor of Medicine which many received, or the degree of Bachelor of Law which scores of lawyers have from the University of Maine Law School. Moreover, it has been stated to me with emphasis that this board of trustees is prepared, in the event of the retirement of Mr. Peabody, which must eventually take place, he being well along in years, to enlarge and broaden the scope and powers of the school. I can see nothing in the argument that it is not permanent.

It is argued it is a one man school. I think I have shown it is not, but suppose it were, it is a pretty good man. You remember what is attributed to President Garfield as his answer to the question, "What is a university?" His answer was, "A pine log with an earnest, anxious boy on one end and Mark Hopkins on the other end." The principle has not gone out of effect at the present time. I see no force in that argument.

It has been circulated, not publicly but quietly but it has come to my attention, that the word has gone around, and I do not know whether any of you have heard it or not, but if you have I want to disabuse your minds—that a young man, a former member of the bar who has been disbarred is connected with this school and the corps of instruction. If anything of this kind has gotten into your minds, I will say it is false. There is a young man who has been disbarred, who has a knowledge of the law and he does coach students who come to him from any source or quarter. Some of the students of Peabody may have gone to him for assistance. They may have, I do not know. But he is not recognized and has not the slightest connection with the school.

It seems to me the thing boils down to just this: A good many young men in Maine would like to qualify for the law. We would like to encourage them in qualifying. If they could go to Boston University or Harvard Law School, well and good. Many are not so situated financially that they can do so. If they go to law school they have got to go to law school in Maine, and this is the only one. Now, it probably is true that more or less

of the attorneys about the state—I think perhaps it is true of the state as it is around Portland—who have the Harvard background just feel that there is something disproportionate about allowing this school to confer the same degrees as Harvard can confer.

I took occasion to go to the State Library and look up a list of law schools in this country. It is exceedingly long and I just picked out a few names and I might have multiplied it by a score, but I picked out the names of a few law schools of which I have never heard. It may be said, of course, that if a lawyer from the Peabody School goes to Nebraska to practice law and says he is a graduate of Peabody, they may say, "We never heard of it." Well, suppose a young man comes to Maine and says he is a graduate of John B. Stetson Law School, Washburn, Tulane, Fletcher, Webster, John Marshall or Dickinson Law School? How many have ever heard of that list or know anything about them? They are small schools. Some are in New York and Pennsylvania and some in states farther west. There is nothing against a young man because he was graduated from one of those schools if he is qualified to practice law. There is nothing against the Peabody Law School if he is qualified to pass the bar examination and goes to Nebraska to practice law and says he is from Peabody.

I do feel rather annoyed at what seems to be the sentiment that this Harvard group are somewhat better, sometimes regarding themselves as the chosen people. Well, one day I looked through a list of the student body of the Harvard school and I was not surprised that they should regard themselves as the chosen people.

It seems to me we ought to be fair to our young men. I say and I frankly believe if this bill passes, the Peabody Law School will make use of it as an added inducement to young men to attend the Peabody Law School. It has been said that they will use it for advertising purposes, as an added inducement. Well and good. It is a proper inducement and I can see no harm in it. I hope the bill will be finally passed.

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

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

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

A division of the Senate was had.

Nineteen having voted in the affirmative and five opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table House Report from the Committee on Legal Affairs, Majority Report, "Ought to Pass", Minority Report "Ought Not to Pass" on bill, An Act to Permit Sunday Moving Pictures (H. P. 1665) (L. D. 736), retabled by that Senator earlier in today's session pending motion to reconsider acceptance of the minority report.

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

Mr. BURNS of Aroostook: Mr. President, the motion before the Senate is on the reconsideration of the minority report on the Sunday Movie bill, which report was that we should not have Sunday movies in this state at this time. On the motion for reconsideration free debate is in order, and at this time I wish to address the Chair in behalf of this motion to reconsider. First of all, I wish to bring to the attention of the members of the Senate that the issue is on Sunday movies. This issue does not include either of the three amendments which have been added to the bill by the House of Representatives. I shall say at this time that two of the amendments, "A" and "B" have to do with minor corrections in respect to the referendum feature of the bill. The third amendment, "C" undertakes to place a tax of five cents on admissions. In passing, I will say I am against the tax feature of this bill. I will vote for Sunday movies so long as the amendment for the tax is not included in the particular question on which I have to vote.

It seems to me we should first of all consider the question of whether we should have Sunday movies in the state, then later if we have

these Sunday movies we can properly discuss whether or not they should be taxed. The bill, when it was advertised for hearing, did not contain any reference to a tax and consequently those who appeared in response to the advertisement for hearing on this bill did not come to argue pro and con in relation to the tax feature that thereafter was inserted by virtue of House Amendment "C".

In the remarks of my distinguished brother Senator from Kennebec, Senator Marden, when he spoke in favor of the acceptance of the minority report, "ought not to pass", made one statement which I take issue with. The distinguished Senator said the majority of the people of the State of Maine were against Sunday movies. I do not believe that to be so. I do not believe the majority of the members of the Senate believe that the majority of the people of the state of Maine are against Sunday movies. The vote in the House was two to one in favor of Sunday movies, and I take that as an indication, they representing the people of the state of Maine, that the majority of the people of the state of Maine at this time favor Sunday movies.

In private conversation I have talked to some of those who are against Sunday movies and they are frank to admit that there exists a rising tide in favor of this proposition. They realize that while it may be defeated at this time, as it has in the past, sooner or later the state of Maine will march along with other states in the Union which have Sunday movies. How many of the other states have Sunday movies I know not. I have been told that Maine is the only state that does not have Sunday movies and that there are 47 which do permit Sunday movies. I am inclined to doubt that. I do believe that most all of the states permit Sunday movies. I know Massachusetts, Vermont and New Hampshire have them and some of the states have the referendum provisions which we have in this bill.

It has been said if Sunday movies are set up in this state it will bring about a lowering of the moral standards and the youth and mankind of the state will go to ruin and perdition. To this idea I do not subscribe. We all know the moving picture people recognize that in order to

keep the public support, they must exhibit pictures which are consistent with the moral principles of the great mass of the people of this country today. After all, democracy rests on the consent of government. That applies to moving pictures as well as any other law. This law is unpopular and sooner or later it must give way to the popular opinion.

In addition to suggesting to you as an argument that the people of this state wish Sunday movies, which I have done by referring you to the House vote, I wish to read to you a part of an editorial which appeared in the Bangor Daily News under date of Saturday, April 1, the day following when the Senate accepted the minority report against Sunday movies. The Bangor Daily News, one of the two largest newspapers in the state, has a large circulation all over eastern Maine. It is almost regarded as our Bible in Aroostook County. Its editorial on the first page has this headline, "Pass the Movie Bill!" It says, "This bill should be passed immediately. In the first place, it is not a creation of the theatre managers, as many suppose. Some of them, at least, are opposed to it in their hearts, although they have not expressed open opposition at Augusta. It would hardly be good judgment to do so, in view of the sentiments of their patrons.

"Those in charge of Bangor's four theatres, respecting an almost obsolete and thoroughly unpopular law, have kept them closed on Sundays. But all over Eastern Maine, in county after county and community after community, Sunday movies are shown openly and apparently without objection. It is possible to take a short automobile ride in almost any direction and find a Sunday performance. In fact, competent observers say that at least 40 percent of the picture theatres are open every Sunday; and this is probably an under-estimate.

"This is an absurd situation, and Maine's legislators this forenoon have a chance to remedy it. They should know—they must know—that this particular blue law could not be broken with such impunity unless the Maine electorate were thoroughly disgusted with it.

"Is a small but well organized

and skilfully directed minority to override the will of the great majority?"

This editorial clearly shows the situation as it exists in Maine today. In Aroostook County moving pictures are shown every Sunday in the town of Fort Fairfield. They are shown every Sunday in the town of Presque Isle at two theatres. Moving pictures are shown in Van Buren, Madawaska and Fort Kent on Sunday. This condition has prevailed for several years. I say to you that this condition existing there and existing in other sections of the state shows that the people wish Sunday movies. It shows that to exhibit these movies on Sunday strikes a popular chord. If the Sunday movie law, as an ancient blue law, were popular, there would be an uprising by the people and descent upon the sheriffs of the counties to see that the movie law should be enforced and the Sunday movies would be suppressed. This has not happened.

A bad feature of this, in my mind, is that it breeds disrespect of the law. To permit Sunday movies in open violation of the law does not encourage young people to respect law enforcement. We are going through the same chapter we went through in respect to the prohibition law when a large enough majority marshalling their forces were here to repeal a law and were backed by the will of the people, and sooner or later the legislature reflects their views and repeals the offending law.

I realize there are some of the best people of the state of Maine opposing this law, and I revere them and their views which to my mind should be respected because they are zealous in their belief. They are actuated, I believe, by more strict views on religion than I have. I believe in support of the churches. I believe they have a necessary part in our moral life and I, for one, wish to do everything I can consistent with my own views, in support of this noble institution. Years ago, an account of beliefs of our forebears, it would have been impossible to bring about a repeal of this law or any other law contested by church-going people of the state of Maine. Today times have changed. Today people who go to church are also in favor of Sunday movies. That is one element. Other people who go to

church are against Sunday movies and feel it is lowering the moral standard of the youth of this state. I say to you, people can pursue their religious beliefs and at the same time afford themselves recreation and relaxation by attending Sunday movies.

The bill, as drawn, prohibits the exhibition of movies on Sunday before the hours of 3 P. M. and after the hour of 11:30 P. M. Few activities of the church occur in the afternoon. There is the activity of the church in the evening, of course. However, the majority of the people who attend services on Sunday do so on only one occasion, and the majority, in my opinion, attend in the forenoon. Most of the people who attend church in the forenoon look for relaxation and recreation in the afternoon.

If Sunday movies or moving pictures we see were insidious and corrupted the morals, I would certainly be against this bill. That is not the case. I say it is no more against public morals and decency to go to moving pictures Sunday afternoon than it is to enjoy a round of golf. Various forms of recreation and games are pursued by people Sunday afternoon and evening. People fish on Sunday. We also play tennis. We enjoy picnics, beach parties, ball games, and many of us enjoy an automobile ride in the country. Now it may be so that some people do not prefer any of these forms of relaxation, but would enjoy Sunday movies as their method of relaxation.

It has been brought to my attention that there are certain mill towns in the state where a large number of our citizens, being obliged to work night shifts, are unable to attend the movies during the week day, either during the afternoon or evening. These people, I am informed, are very anxious to be given the same privilege the rest of us have to attend movies once a week. These people are in favor of this bill because it would give them an opportunity to go to the moving pictures Sunday afternoon or evening.

We are living in a changing era. Times are progressing. What was thought a few years ago to be good or evil does not necessarily apply today. The people are disfranchising themselves from those narrow views that held sway in the past. We see it every day before us.

On my return north over the weekend, I underwent what I believe many of you also did, in an open approach from constituents who wanted to know why the Senate of the state of Maine, which was liberal in passing other social laws, opposed this bill, and they took me to task for it. I told them that I not only voted for the Sunday movies here Friday, but in 1935 when I first came to the Maine Senate, I likewise voted for Sunday movies. At that time there was not the strong vote in behalf of Sunday movies that we received here last Friday. If I recall, in 1935 there were only four or five who stood up in favor of Sunday movies. I felt then, as I do now that people desired Sunday movies, as provided in this bill. I therefore hope the motion to reconsider the acceptance of the minority report will prevail.

Mr. MORSE of Waldo: Mr. President and members of the Senate, as a member of the Legal Affairs Committee, and as one of the signers of the majority report, I wish to state that the hearing on this bill I think, was one of the most largely attended of any session, any that has been held during this session of the legislature, at any rate, and every person who wished to be heard was given an opportunity to express his or her opinion. The committee, feeling that this was an important measure, gave it very careful consideration and reported it out of the committee by a vote of eight to two, that it ought to pass.

Now, is there really anything wrong, vicious or immoral because a moving picture happens to be shown on Sunday afternoon or evening instead of a week day afternoon or evening? If there is, I am against it.

My good friend, the Senator from Penobscot, Senator Chamberlain, said last Friday that we are here because our constituents trust us and send us here. Very well. We have not broken faith with them for if this bill becomes enacted into law it carries with it a referendum which simply throws the whole determination of this question into the lap of every city and town in the state of Maine, and we say to the inhabitants of every city and town in the state of Maine, "We trust you to make your own choice". I hope the motion to reconsider will prevail.

Mr. CHASE of Washington: Mr.

President, in rising to support this motion for reconsideration I find myself in rather a peculiar position because I am not a movie fan. Moving pictures always give me a headache and in spite of that fact I always plan to go once a year. Last year, however, business conditions and the political campaign gave me headaches enough and by the same token I have found it unnecessary to attend the movies during this legislative session.

My attitude in regard to the movies was, perhaps, clearly expressed a few years ago when I wrote some verses which I did not dignify with the name of a poem. I can't remember all of them but they started like this:

"I'll be glad when the movies are
busted,
When the last picture house shuts
its doors,
When the locks and the hinges are
rusted,
And the dust settles thick on the
floors.

I have stayed with the children for
ages,
While my wife sat entranced by the
screen,
She has squandered the most of my
wages
And I'll soon be a pauper, I ween."

The most satisfaction I ever got out of the movies was a letter which I received from the publication to which I sent them.

With these statements I am sure the members of this honorable body will realize that I am not inspired by selfish motives. I am speaking for the members of our rural communities in the state of Maine, people who work early and late from Monday morning until Saturday night with no chance to attend moving pictures. Sunday mornings they get up, do their chores and go to church, and I think I am safe in saying that the percentage of church goers is higher in our rural sections than it is in our cities and towns.

Sunday night, then, is the only chance that they have to attend this wholesome form of entertainment and in looking over the towns in my own county I find that a majority of those who attend are the people who have driven in from the outlying sections.

I also speak for the pulp and

paper industry an industry which operates twenty-four hours a day with three eight-hour shifts of workers. The only possible opportunity to some of these workers to attend the movies is on Sunday. And so in closing, I want to say that I feel it is only justice to the two classes of workers which I have mentioned that they have this opportunity of going to the movies, and I hope, Mr. President, that the motion to reconsider will prevail and that subsequently the majority report of the committee "Ought to Pass" will be accepted.

Miss LAUGHLIN of Cumberland: Mr. President, I simply want to go on record as opposed to the motion to reconsider and that I trust that this Body will insist upon the position which it took after full debate last Friday.

The suggestion has been made here that the Senate does not represent the people of the state. I am inclined to believe that this branch of the legislature does represent the people of the state and is competent to pass upon what it feels the people of the state want. Since the vote was taken on Friday I have been receiving protests from employees of the moving pictures saying that they want one day of rest in seven. So that this is in their interest. We have moving pictures six days in the week. It seems to me that that should enable everybody to have an opportunity to see them.

I notice the last speaker said that they have three eight-hour shifts in the pulp and paper industry and that this would give an opportunity for them to attend the movies. Well, it seems to me that a person who has sixteen hours per day free from labor might find an opportunity to attend the moving pictures without having them on Sunday.

Just this morning I received a protest against any reconsideration which quoted the head of a boys' school as saying that many of the boys there started their crime careers at the moving pictures and what they saw there, and that is a statement that was made to me by a trustee of that institution. Now I really believe that six days a week of opportunity of that sort might be sufficient and that we could have some other thing on Sunday.

We have heard something about

what Massachusetts and New Hampshire have done in regard to this. Well, we have heard what Massachusetts and New Hampshire and forty other states have done upon occasion but I don't think Maine should forget its motto and follow the lead of what other states have done. I believe it should look rather to the fundamental principles that led to the establishment of this government and by which we have reached the position which we now have and not look to what has been done by those who came in later to take advantage of what has come through those principles.

It seems to me that the time has come when Maine definitely should take the stand that we believe in the spiritual value of life and that amusement is not the supreme end and aim of life.

Mr. BOUCHER of Androscoggin: Mr. President, I feel it my duty at this time to say just a few words on this question. The question has been brought up that Sunday movies were sinful. Well, to me there is no more sin on Sunday than on any other day of the week and if moving pictures are not fit to be shown on Sunday they should not be shown on any day.

The question has also been brought up by others of the working hours. Now, in the city of Lewiston we have a similar condition that exists; three shifts a day. Some of these people go to work at three o'clock and come out at midnight, so I don't see how those people could attend moving pictures on week days, if they have to be at work at three o'clock and do not get out until midnight, because the moving pictures at home start about two o'clock in the afternoon.

The question of attending church on Sunday I think is very debatable. Under this law there are no Sunday pictures in the morning. The moving pictures start in the late afternoon. My family and I have attended church all our lives, never missing a Sunday, and I know that the people of Lewiston, if we decide to have Sunday movies, will keep on attending church just the same. If we don't want moving pictures on Sunday why not enforce the law? I know, and I believe a host of us know, that moving pictures are being shown on Sunday all over the state of Maine at this time and nobody stops them. If it is against

the law then I say let us enforce the law. If we don't want moving pictures on Sunday we should shut down all the theaters on Sunday, not only a few of them.

I think that under this law it is a very fair proposition that if certain communities don't want Sunday movies they haven't got to have them but in those centers that do desire them they will, under this law, have the option of so voting and of obtaining them. I think that is only fair and I don't understand why a small minority should want to rule a large majority that desire Sunday movies.

Mr. President, I hope that the motion to reconsider will prevail.

The PRESIDENT: The question before the Senate is on the motion that the Senate reconsider its action whereby it accepted the minority report, "Ought Not to Pass", and the Senator from Cumberland, Senator Spear has asked for a division.

Is the Senate ready for the question?

A division of the Senate was had. Seventeen having voted in the affirmative and twelve opposed, the motion to reconsider prevailed.

Mr. KENNEDY of Hancock: Mr. President, I move that the majority report "Ought to Pass" be accepted in concurrence.

Mr. MARDEN of Kennebec: Mr. President, I ask for a division.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the position that I took last Friday I still maintain. The Senator from Aroostook, Senator Burns has said that the people want this. I think perhaps we could qualify that by saying that some of the people want it but it is very difficult to ascertain who they are on one side or the other. It is difficult to separate the sheep from the goats. I have had as many letters and telephone calls for it as I have had against it. I have had, during the interval between Friday and today, personal conversations with owners of theaters and telephone conversations with people who do not want this.

Now, it is not mandatory on the people of any town that they must have this. Those who wish to have it may, and those who do not want it do not have to have it. It is a question of whether they wish it or not.

Now, on the question of the

amendment that has been added for a five cent tax. The admission fee in the evening is forty cents, or at least it is in the eastern part of the state, in Bangor. Five cents more makes it forty-five cents and I quite believe that there will be an additional Federal tax to that. So the price is going up.

It is said that many of the workers would like to go. If it is a pleasant afternoon I am quite sure many of them will not go but they may go in the evening. But it is going to cost them quite a bit and they have ample opportunity to go during the week. It has been said that there are three shifts. That is true, but as far as I know factory work and I don't know all of them, of course — those shifts are alternating. Those that go to work at three in the afternoon and work until late in the evening are at a later time changed to a more suitable hour so that they may enjoy, perhaps, the sunlight or other things that they want to do. The great objection that I have to this bill is legalizing it. It is perfectly conceivable that all the Blue Laws of the state should be rectified, should be considered and changed. Until that is done, if that time ever arrives, I see no necessity of legalizing the fishing or golf playing or tennis playing or any other of the activities that people engage in. With a strict interpretation of the law they could be stopped from doing it but nobody interferes with them.

It has been said that many of the theaters are open on Sundays. I have no doubt that there are some who would try to invoke the law against them but in the main that has not been done. The moving pictures theaters themselves are not very profitable. I have been many times in the afternoon. Few were there. In the evening, many times, few were there. Of course, if there is an unusual picture, something that is worth seeing, the theater is crowded, but mostly they are not very profitable. It costs considerable to run them, and here is an opportunity to open them on Sundays which I do not believe many of the theater goers are going to embrace.

The editorial in the News is a direct invitation to the Senate to change its mind. The News is a splendid paper. It is one of the best papers published in the state of Maine, both in its editorials and in

its make-up. A great many people read it but I think they are wrong in assuming that a very large majority of the people of this state want moving pictures on Sunday. It is difficult to ascertain.

I would like to read a letter that I received this morning. I won't give the location of the place but I will just read the rest of it:

"Mr. J. K. Chamberlain
State House
Augusta, Maine:

Mr. Chamberlain, dear Sir: I see by the paper that you are one of several throwing down Sunday movies. Am much surprised after so many"—and note this—"after so many of the aged voting for you, you would throw down anything that was for their benefit. Don't make any mistake, there are many people in favor of the aged and if you and a few others are not careful you will come up among the missing next legislature." And it is signed, "From one of the aged."

I am not very convinced, either on one side or the other, on this bill but I do favor the closing or the keeping closed of moving pictures on Sunday. However, I am perfectly willing to say that if the aged people, especially those who receive old age assistance that is furnished by the state, want the pictures open and the state wants to pay for their admission that I am in favor of opening the moving pictures.

The PRESIDENT: The question before the Senate is on the acceptance of the majority report "Ought to Pass" and the Chair understands that the Senator from Cumberland, Senator Spear asks for a division. Is the Senate ready for the question?

A division of the Senate was had. Seventeen having voted in the affirmative and eleven opposed, the majority report of the committee "Ought to Pass" was accepted.

Mr. CHAMBERLAIN: Mr. President, pending the offering of an amendment to the bill, I move that it lay upon the table and I will offer the amendment tomorrow.

The PRESIDENT: The question before the Senate is on the tabling of the bill pending first reading.

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

A division of the Senate was had.

Ten having voted in the affirmative and fifteen opposed, the motion to table did not prevail.

Thereupon, the bill was given its first reading. House Amendment A was read and, on motion by Mr. Burns of Aroostook, was adopted in concurrence. House Amendment B was read and, on further motion by the same Senator was adopted in concurrence.

House Amendment C was read.

Mr. BURNS: Mr. President, I move that the Senate indefinitely postpone House Amendment C in non-concurrence.

Miss LAUGHLIN: Mr. President, I wish to go on record as opposed to the indefinite postponement of House Amendment C except that I hope later to offer an amendment that we shall levy a tax of five cents on every performance. If we are going to have this let us have it at least return something to the state. I believe this amendment was put on, of course, to make the Sunday movies more agreeable but at any rate it seems to me that we should retain this amendment and I am opposed to its indefinite postponement.

The PRESIDENT: The question before the Senate is on the motion to indefinitely postpone House Amendment C in non-concurrence and the Chair understands that the Senator from Cumberland, Senator Spear asks for a division. Is the Senate ready for the question?

A division of the Senate was had.

Eighteen having voted in the affirmative and ten opposed, the motion to indefinitely postpone House Amendment C in non-concurrence prevailed.

Mr. Marden: Mr. President, while I appreciate that the Senate, or at least a majority of the Senate, seems impatient with this measure to the extent that they would like to have it go along and while I voted with the majority on the indefinite postponement of House Amendment C, I do feel that if the Senator from Cumberland, Senator Laughlin wishes to present an amendment to replace the one which we have just indefinitely postponed she should be given an opportunity to do it and for that reason I move that the bill be laid upon the table.

The PRESIDENT: The Senator from Kennebec, Senator Marden moves that the bill be laid upon the table pending second reading. Is this the pleasure of the Senate?

Mr. BURNS: Mr. President, on

that question, I ask for a division.

A division of the Senate was had.

Fourteen having voted in the affirmative and fifteen opposed, the motion to table did not prevail.

Mr. BURNS: Mr. President, I move that the rules be suspended and that the bill as amended by House Amendment A and House Amendment B be given its second reading at this time.

Miss LAUGHLIN: Mr. President, I wish to oppose the suspension of the rules. It requires a two-thirds vote anyway and I ask for a division on the motion that the rules be suspended.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Burns, that the rules be suspended, and a division is asked. To suspend the rules requires the affirmative vote of two-thirds of the members present. Is the Senate ready for the question?

A division of the Senate was had.

Eleven having voted in the affirmative and seventeen opposed, the motion to suspend the rules did not prevail.

Thereupon, the bill as amended by House Amendment A and House Amendment B was tomorrow assigned for second reading.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table House Report from the Committee on Judiciary on bill, An Act Providing that Employers of One or More Persons Shall be Subject to the Unemployment Compensation Law (H. P. 1628) (L. D. 867), being a divided report, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass in New Draft", tabled by that Senator on March 23 pending acceptance of the Majority Report "Ought Not to Pass."

Miss LAUGHLIN: Mr. President and members of the Senate, this bill in the new draft was to make the "Unemployment Compensation Law" apply to employers of four or more, not for one or more as would appear if we look at it the way it appears here, because the new draft says "four or more" and for the purposes of information I would say that the report was six against this bill and four in favor, two of the four being two members from the Senate, my colleague from Cumberland County and myself.

I would like to say that I do not

believe in the Unemployment Compensation Law in any case. I think it is on an unsound basis, but we have it and having it I believe it should be made as fair as possible and at the present time when it is limited to eight or more it seems to me that it is unfair both to the employees and to the small business man, and I am concerned more for him because the small business man who employs eight or more has to pay into the Unemployment Compensation fund but his competitor who employs perhaps only seven does not have to pay anything. I have had more than one young business man come to me on this matter. I had one in particular who said, "I employ"—I don't know whether it was eight or ten—"and I have to pay every year six hundred dollars into that compensation fund. My chief competitor does not employ eight, he employs less than eight"—I think he said five—and he said "He pays nothing into the Unemployment fund and I am under a great handicap in competing with this competitor of mine when I have to pay into the fund and he does not." So that in signing this report for this new draft my chief reason, and at least that of one other person who signed it, was for the protection of the small business man who is put at a great disadvantage, if he employs as many as eight, in competing with his competitor who employs less than eight so that my purpose in signing this report was simply in the interest of fair play, since we already have this Unemployment Compensation Law, being really obliged to have it because of the attitude and the regulations of the national administration and I believe we should put it on as fair a basis as possible.

Mr. CHASE of Piscataquis: Mr. President, if we want to kill and annihilate all the small industries we should change this law. Many farmers employ two or three men to cut some pulp wood and try to pay their taxes in that way since the price of potatoes has been so low and there was never a time in the world when so many, especially farmers and those carrying on small industries, have had such a hard time to carry on and pay their taxes. Many of those small local mills that are sawing out a few logs that the farmers haul in and the shingle mills that saw out a few shingles for the farmers and also, perhaps,

some boards and dimension lumber, if they have to pay this tax cannot carry on.

Mr. BOUCHER of Androscoggin: Mr. President, I feel justified in speaking on this matter because I am an employer and in my business of contracting I employ more than eight persons at one time and I have had to pay into all these things, social security and unemployment compensation and every other thing, which means an extra tax on me of at least ten percent on my payrolls. Now, if these other parties who compete against me with six men do not have to pay, they have an unfair advantage of ten percent when I go out after small construction jobs. I believe that this is a good thing for the working men, this social security and this unemployment and compensation, and I think if it is a good thing for the working man, we should go all the way through with it, right down to one. As I understand it now it would be down to four and I am in favor of four but I would like to see it down to one, and I would like to go further than that. I wish the law were so that I could be included in this matter of social security and unemployment and compensation.

I certainly favor this new draft bringing it down to four and if anyone should offer an amendment to make it one, I would vote for that.

Mr. BURNS: Mr. President, I am in favor of the majority report of the committee and I spoke in favor of that when it came up for consideration first. That was on the original bill. The original bill provided that one or more employees should come within the provisions of the Unemployment Compensation Insurance Law. Subsequent to the majority report against reducing it to one from eight a new draft was introduced by Senator Laughlin. The new draft proposes that the number as provided in the law at present shall be reduced from eight to four.

I wish to say that I am against the new draft. I agree with the Senator from Piscataquis, Senator Chase, who tells you that the small business men of the state regard this as an additional tax burden, an additional impediment to the prosecution of their business. Already they are obliged to fill out

report after report to comply with the social security regulations of the Federal government and they feel that they have arrived at the peak load and that it is about time that we called a halt on any further burden on the small business man.

This bill came for hearing before the Judiciary Committee in its original form when it undertook to reduce the number from eight to one. We had an interesting hearing on that bill. The vote, as the Senator said, was six to four favoring the rejection of the proposition to reduce it from eight to one. The majority report in effect meant that the law should remain as is and if we reject the new draft that has been offered we will retain the law as it is, which provides for the coverage of business men who employ eight or more employees in their business.

At the time of the hearing those who spoke in behalf of the bill reducing it from eight to one—and I assume that they would also favor the provision whereby four would be covered—consisted largely if not entirely of men identified with labor organizations. I wish to say that in many of the proposed bills that are sponsored by the labor organizations of the state I am in hearty accord. Other measures which they have endorsed I oppose. I am frank to make that statement. I oppose this measure which is supported by the labor organizations because I believe that the business men of the state today have all they can attend to in carrying on their business and realizing a profit therefrom. If you oblige the smaller business men to come within the provisions of this act—and I am referring to the man who employs approximately four to eight employees—you will oblige them in many instances to employ clerical services for the purpose of keeping a set of books and accounts so that when the federal field investigators appear on the scene they can examine their books and determine to what extent they are complying with the provisions in respect to this unemployment compensation law.

That certainly is an additional burden on the small business men in this state. I say that with that additional burden he is very likely, in order to acquire profit for himself, to work his employees harder

and to drive himself more and undertake to get along with three men instead of four. I say that an employer who has four or five men will do that very thing.

Now, is that for the benefit of labor? I think labor unintentionally is defeating its own purpose in that respect because I can see where the employer, in his desire to get a profit and support his family, will try to employ three where he should employ more, so that he will not have to come within the provisions of this act. In doing that very likely he will be called upon to discharge his fourth employee with the resultant hardship that falls to himself and his family. If we are going to have this social security legislation on our books forever, I suppose the time will come when every employer, regardless of the number of employees he has working for him, will have to file the social security return, but I am not, at this period of our life, convinced that that must necessarily follow. It is possible.

At the present time I think there is a feeling in opposition to any further coverage and intermingling through the federal government. I know that in Aroostook County there are a number of small business men who have five or six in their employ who oppose this measure. I received one letter from the editor of the *Fort Fairfield Review*, the editor and publisher, Mr. Harvey. He writes me that he is very much against it, that it interferes with his business and places an additional burden upon him. He said he knew of others who felt the same way he did about it.

I wish to call attention also to a letter which I received from Harry L. Cram, attorney-at-law, Portland, Maine, directed to the members of the Judiciary Committee. I read as follows: "I have read with much interest the discussion reported in the papers concerning the proposed amendment to the law relating to unemployment compensation so that it will apply to any business having four or more employees. I have talked with several people and find there is much opposition to this change. It means an additional tax to business which is already overburdened and would seriously affect many small businesses. The Republican Platform was against increase in taxes and this is, as stated, an

additional tax. The article in last night's Evening Express by David Lawrence explains the situation very fully and we heartily agree with his viewpoint. We believe that an amendment reducing the application of the law from eight to four employees would be against the best interests of the state of Maine and Republican Party."

Mr. CHASE: Mr. President, in my remarks a few minutes ago I forgot to mention a letter that I received from three prominent business men in Guilford. One of them is the president of the Guilford Trust Company, one is from Seldon D. Rice and one is from a Mr. Witham, and they are all connected in this small business and they all say that if this law is changed they are going out of business. They will not try to continue.

I can say the same as they. I shall be obliged to do it and I have carried on quite a number of small businesses in that line.

Mr. SANBORN of Cumberland: Mr. President, I think I may properly point out that the disadvantage of this bill in its new draft is that it would not relieve the law from what my colleague on my right seems to think of as an unfair discrimination, and for that reason, that while it would probably relieve our friend who carries on a small business employing eight from the unfair competition of his neighbor who employs seven, it would impose on my friend who runs a beauty parlor employing four an unfair discrimination in favor of her competitor who employs three. It seems to me that all you are doing is simply paring it down and opening the door towards the point where we started and moving it along to take in everybody and to that I object.

Mr. CHAMBERLAIN: Mr. President, like the Senator from Cumberland, Senator Laughlin, I do not like this law at all. The state of Maine was induced to take it up because of some claimed advantages to both employer and employee, induced by action of the federal congress. It was designed to accomplish certain things. Let us see just exactly what it was designed to accomplish. The act is designed "to create a sound unemployment compensation law to encourage employers to provide more steady work." I don't see that it does that in the

least particular. It was also designed "to maintain the purchasing powers of workers becoming unemployed." I don't see that it accomplishes that. In the sense that an employee out of work might get a mouthful as being better than nothing, why, of course it might accomplish something but in the sense of the design of the law it is absolutely futile. It is a long time in being obtained and the amounts are small, as they are reckoned by this bill. There is no way in the world to make it a fair bill to an employer or to labor.

I have been asked to support it by labor but I don't think the labor people will get much from it. I have been asked to support it by those who employ eight or more but if we reduce it, as the Senator from Cumberland County, Senator Sanborn said, it will still be unfair.

I stepped into a store in Augusta here, one morning to make a small purchase. In some way or other the proprietor engaged me in conversation regarding this bill. He wanted it reduced. He employs more than eight, enough so that he has to pay fifteen hundred dollars each year, and he complained bitterly of the competition of another employer, who doesn't have to pay. He wanted something done about it.

In Bangor or Brewer there is a foundry. They have to pay nine hundred dollars but they compete with another foundry in an adjacent town that does not have to pay, and they lose many contracts, much work. It is very true that if we do reduce it to four we will absolutely ruin the smaller firms, the smaller people, who without a great deal of capital are struggling along. If we increase it to fifteen we are no better off. I don't see that the law is of benefit to anybody, and very unbeneficial to the employers in this state. They are paying an enormous sum and it costs a lot to do it which they pay. I don't say that the state pays nothing but the employers do and it is a terrible burden.

It is perfectly true that the welfare of this state and every other state in the Union depends entirely upon the successful and profitable operation of business. Whether it is producing or distributing, if they are making money, doing a good business, they can pay more and they will spend more themselves and do far more than can be ac-

complished by any such bill as this. I don't see how in the world by adopting this new draft it is going to help anybody except the ones that now employ eight or more. The rest are in just as bad a position as they ever were or ever will be.

It seems to me the bill is very involved. It is a long bill, difficult to understand unless you read it very carefully many times. It seems to me that it should be reviewed by a recess committee and having at least one member on the committee who is in business or has been in business and who knows the relation between income and outgo, because outgo is what may disturb the whole structure of business. I neither support the amendment nor am against it, I simply call attention to the inequalities that must in the nature of it come about by the continuation of this bill, and I trust that someone will move for a recess committee to examine it and see if something can be done to make it more feasible.

The PRESIDENT: The question before the Senate is on the acceptance of the majority report.

Mr. BOUCHER: Mr. President, there have been two or three statements made that I would like to take up at this time.

The PRESIDENT: The Senator has the floor.

Mr. BOUCHER: Mr. President, the question of burden has been mentioned. I do not feel that the act at this time is a burden to me and it would be less of a burden if the number went down all the way to one. I think that everybody

would then be on an even footing and the burden would be evenly divided. I still feel the same way, after hearing all these remarks, that we should go all the way through to one. I think that would be the real fair way.

Now, some of the Senators have said if we only went down to four it would still be unfair, and I agree. I maintain that we should offer an amendment at the present time to bring that down to one person. I feel that is the only fair thing to do in the present position where anybody under eight is exempted because as the law stands now it is unfair to the employer of more than eight.

The PRESIDENT: The question before the Senate is on the acceptance of the majority report.

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

The PRESIDENT: And the Senator from Cumberland, Senator Spear asks for a division. Is the Senate ready for the question? The question is on the acceptance of the majority report "Ought Not to Pass" in concurrence.

A division of the Senate was had. Twenty-four having voted in the affirmative and four opposed, the majority report of the committee "Ought Not to Pass" was accepted in concurrence.

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

On motion by Mr. Burns of Aroostook

Adjourned until tomorrow morning at ten o'clock.