

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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## SENATE

Wednesday, April 5, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Leroy Congdon of Gardiner.

Journal of yesterday, read and approved.

Mr. HILL of Cumberland: Mr. President, I move that the rules be suspended at this time to permit the introduction of a report of a committee, out of order, it being the Final Report of the Joint Select Committee created by the Joint Order, Senate Paper 412.

The motion prevailed and out of order and under suspension of the rules the same Senator presented Final Report of the Joint Select Committee Created by Joint Order Senate Paper 412.

The Secretary read the report:

**Final Report of the Joint Select Committee Created by Joint Order S. P. 412.**

To the Honorable Senate and House of Representatives of the 89th Legislature:

As indicated in the previous report submitted by this Committee, we have continued our investigations in an effort to accomplish further savings.

Our attention, since filing the previous report, has been devoted to the Department of Health and Welfare. That Department, by virtue of legislation, both State and Federal, enacted during the past few years, has expanded to unwieldy size and has become cumbersome in operation.

Our investigations have impelled us to the conclusion that very considerable savings can be effected in the Department of Health and Welfare by an elimination of unnecessarily voluminous reports and by a consolidation of services in the manner indicated in the recent report of the Institution of Public Administration, prepared by Dr. Carl E. McCombs.

To accomplish the desired coordination of functions and the consequent reduction of expenses, we recommend that the reorganization suggested in the McCombs' report be put into effect at once. We

think this can be done for the most part without legislation.

This committee, in conjunction with the Committee on Appropriations and Financial Affairs, has caused a bill to be drafted, separating the administration of state institutions from the Department of Health and Welfare. We are of the opinion that these institutions should be managed independently of the Department.

The legislation referred to will be presented by the Committee on Appropriations and Financial Affairs, and we unite with that Committee in recommending its prompt enactment.

The purpose and intent of the order creating this Committee was to suggest and recommend to the Legislature changes in the laws, designed to promote economies through administration, and not that this Committee should propose curtailments in appropriations, that being the province of the Committee on Appropriations and Financial Affairs.

The Committee desires to express its appreciation of the cooperation and courteous treatment received from the heads of departments, and from the several joint standing committees of the Legislature.

Since final adjournment is approaching, we are obliged to conclude our duties as a Committee. We do so, however, in the hope that further efforts will be made by the full membership of the Senate and the House of Representatives, including the members of this Committee, to further curtail unnecessary expenditures toward the end that this Legislature may balance the budget and make proper provisions for all departments of the State Government, avoiding, if possible, the enactment of any major tax measure to burden the people of Maine.

Respectfully submitted,

**JOINT SELECT COMMITTEE.**

(Signed) Senators Hill of Cumberland, Wentworth of York, Tompkins of Aroostook and Representatives Noyes of Franklin, Dow of Eliot, Hawes of Vassalboro, Dean of Greenville, S. Arthur Paul of Portland, Smith of Thomaston, Hinman of Skowhegan.

Which report was read and accepted.

Sent down for concurrence.

Mr. WENTWORTH of York: Mr. President, out of order and under suspension of the rules, and pursuant to a joint order passed earlier in the session, I present on behalf of the Committee on Appropriations and Financial Affairs the report of that committee in relation to the report from Dr. Carl E. McCombs of the Institute of Public Administration, together with an accompanying bill and joint order.

Thereupon, the rules were suspended and the report was received together with accompanying papers.

The Secretary read the report:

**Report of the Committee on Appropriations and Financial Affairs,  
S. P. 104**

The Committee on Appropriations and Financial Affairs to which was referred by this Legislature, a message from Governor Barrows together with a report to him, from Dr. Carl E. McCombs of the Institute of Public Administration, entitled "A report on the organization and Administration of District Health and Welfare Service in Maine" reports that: The committee has had this report under consideration, and has studied the administrative structure of the Health and Welfare Department.

Your committee finds that the recommendations made in the McCombs report are worthy of your approval and when put in operation will improve the efficiency of Health and Welfare administration.

The establishment of field work districts will coordinate and consolidate all welfare activities under a single field force of investigation. Such consolidation and coordination will make it possible for each investigator to handle all types of welfare field work, thereby saving time and travel of the field worker. With the district system it will be possible to maintain closer contact with the officials of the municipalities in the investigation of pauper support and pauper claims.

Your committee believes the administrative code act which established the Health and Welfare Department is sufficiently broad so that the recommendations made by Dr. McCombs may be put in operation without amendments to the existing laws.

Your Committee also offers at this time a bill which has been drawn after many and varied consultations

and discussions with the Executive Department, the Special Joint Legislative Committee, the Committee on Appropriations and Financial Affairs and Dr. Carl E. McCombs of the Institute of Public Administration. The bill is designed to reduce to some extent the size of the Department of Health and Welfare in order to facilitate such reorganizations and adjustments as may be necessary in the best interests of the State of Maine.

The Committee presents the attached joint order and bill and most respectfully urges you to support us in its recommendation "Ought to Pass."

For the Committee

(Signed)

Senator George J. Wentworth.

The PRESIDENT: The Secretary will read the bill.

The Secretary read bill, "An Act Relating to the Administration of State Institutions." (S. P. 631)

The PRESIDENT: The question before the Senate is on the acceptance of the report of the Committee on Appropriations and Financial Affairs "Ought to Pass" on bill An Act Relating to the Administration of State Institutions.

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

The same Senator, out of order and under suspension of the rules, presented the following order:

ORDERED, the House concurring, that the Commissioner of Health and Welfare is hereby directed to immediately organize the field services of all health and welfare activities in accordance with the recommendations of the report of Dr. Carl E. McCombs, which report is attached hereto. (S. P. 632)

The order received a passage.

Sent down for concurrence.

From the House, Joint Order:

ORDERED, the Senate concurring, that the Commissioner of Inland Fisheries and Game be directed to carry on an investigation into the advisability of establishing a system of game preserves based upon the need of the same as a means of conserving and perpetuating game, and to report his findings to the 90th Legislature together with such recommendations as he may deem expedient, and to carry on a biological investigation of all

existing game preserves or sanctuaries, and recommend to the 90th Legislature the discontinuance of any game preserves or sanctuaries which do not produce results in the conservation and propagation of game which would warrant their continuance. (H. P. 2149)

In the House, read and passed.

In the Senate, read and passed in concurrence.

From the House, Joint Order:

ORDERED, the Senate concurring that the commissioner of Inland Fisheries and Game be directed to carry on an ichthyological and biological survey of all waters for which screen resolves were introduced into the 89th Legislature and such other waters as he may deem advisable for the purpose of ascertaining the advisability of screening said waters, and to report the findings of said survey together with such recommendations as he may deem advisable and expedient to the 90th Legislature. (H. P. 2150)

In the House, read and passed.

In the Senate, read and passed in concurrence.

#### House Committee Reports

The Committee on Federal Relations on Memorial to the Congress of the United States Relative to Completion of the Quoddy Project," (H. P. 236) reported that leave be granted to withdraw.

The Committee on Judiciary on bill "An Act Relating to Embezzlement," (H. P. 1620) (L. D. 916) reported that leave be granted to withdraw the same.

The same Committee on bill "An Act to Incorporate the York-Cumberland Development Company," (H. P. 1159) (L. D. 387) reported that the same ought not to pass.

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

The same Committee on bill "An Act Relating to Creation of Tax Title Accounts on Real Estate Taken for Payment of Taxes," (H. P. 1630) (L. D. 720) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution Increasing the Limit of Municipal Indebtedness," (H. P. 1640) (L. D. 724) reported that the same ought not to pass.

The Committee on Motor Vehicles

on bill "An Act Relating to Speed of Motor Vehicles," (H. P. 1685) (L. D. 741) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Motor Vehicle Registration and Operator's Fees," (H. P. 1696) (L. D. 926) reported that the same ought not to pass.

The same Committee on bill "An Act Regulating the Speed of Motor Vehicles," (H. P. 1684) (L. D. 740) reported that the same ought not to pass as subject matter is covered in another bill.

The Committee on Pensions on bill "An Act Relating to Old Age Assistance," (H. P. 568) (L. D. 200) reported that the same ought not to pass.

The Committee on Pensions on bill "An Act Exempting Life Insurance Policies from Old Age Assistance Requirements," (H. P. 787) (L. D. 376) reported that leave be granted to withdraw.

The same Committee on bill "An Act Relating to Maine State Prosperity Payments," (H. P. 391) (L. D. 243) reported that the same ought not to pass.

The same Committee on bill "An Act to Provide Local Investigation of Old Age Assistance Applications," (H. P. 1334) (L. D. 541) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Old Age Assistance," (H. P. 567) (L. D. 201) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Retirement Pension," (H. P. 1701) (L. D. 757) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Crippled Persons," (H. P. 1702) (L. D. 869) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Relating to Taxation," (H. P. 1734) (L. D. 649) reported that the same ought not to pass.

The Committee on Ways and Bridges on bill "An Act Requiring the State to Construct Sidewalks along State Highways," (H. P. 729) (L. D. 311) reported that the same ought not to pass.

The same Committee on "Resolve Authorizing Additional Issue of Highway Bonds," (H. P. 1755) (L. D. 903) reported that legislation thereon is inexpedient.

The same Committee on "Resolve in Favor of the Town of Thorn-

dike," (H. P. 353) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Dover-Foxcroft," (H. P. 1069) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Committee on Motor Vehicles on bill "An Act Relative to Exemption from Registration Fees of Certain Vehicles Owned by Non-Residents," (H. P. 686) (L. D. 259) reported the same in a new draft (H. P. 2131) (L. D. 1118) under the same title, and that it ought to pass.

The same Committee on bill "An Act Relating to Speed and Operation of Motor Vehicles," (H. P. 1441) (L. D. 621) reported the same in a new draft (H. P. 2136) (L. D. 1120) under the same title and that it ought to pass.

The Committee on Pensions on bill "An Act Amending the Old Age Assistance Law Relating to Disqualification for Transferring Property," (H. P. 1447) (L. D. 624) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Old Age Assistance Law Relating to Payment to Guardians," (H. P. 1448) (L. D. 625) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Old Age Assistance Law Relating to Funeral Expenses," (H. P. 1449) (L. D. 626) reported that the same ought to pass.

The Committee on Public Health on bill "An Act Concerning the Practice of Podiatry," (H. P. 1338) (L. D. 542) reported the same in a new draft (H. P. 2132) (L. D. 1121) under a new title "Resolve Concerning the Practice of Podiatry" and that it ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Lucie Ouellette," (H. P. 1725) (L. D. 897) reported the same in a new draft (H. P. 2133) (L. D. 1122) under the same title and that it ought to pass.

The same Committee on bill "An Act Enlarging the Duties of the Forest Commissioner," (H. P. 1799) (L. D. 964) reported the same in a new draft (H. P. 2134) (L. D. 1119)

under the same title and that it ought to pass.

The Committee on Motor Vehicles on bill "An Act to Regulate the Business of Selling Used or Second-hand Motor Vehicles by Dealers not Residing in or Having a Permanent Place of Business in the State of Maine, and by Resident Dealers Purchasing, Handling or Selling Used or Second-hand Motor Vehicles Received or Acquired from Non-residents," (H. P. 932) (L. D. 323) and also on bill "An Act Requiring the Secretary of State to Maintain a File Arranged by Manufacturer's Name, Motor and Serial Number," (H. P. 1694) (L. D. 924) and also on bill "An Act Requiring the Filing of Statement of Title with Application for Registration of Motor Vehicles," (H. P. 1693) (L. D. 923)

Reported the same in a Consolidated bill (H. P. 2135) (L. D. 1123) under the title of bill "An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles," and that it ought to pass.

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

The Committee on Motor Vehicles on bill "An Act Relating to Registration of Motor Vehicles," (H. P. 1686) (L. D. 742) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

On motion by Mr. Beckett of Washington the report was read and accepted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended, was tomorrow assigned for second reading.

The Committee on Motor Vehicles on bill "An Act Relating to Operator's Licenses," (H. P. 1691) (L. D. 746) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

In the House, bill indefinitely postponed.

In the Senate, on motion by Mr. Beckett of Washington, tabled pending consideration.

The same Committee on bill "An Act Relating to Reserved Number Plates for Motor Vehicles," (H. P.

566) (L. D. 199) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

In the House, report read and accepted, and the bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

In the Senate, on motion by Mr. Beckett of Washington the report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read. House Amendment A to Committee Amendment A was read and adopted in concurrence. Committee Amendment A as amended by House Amendment A thereto was adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act Relating to School Busses," (H. P. 1440) (L. D. 620) reported the same in a new draft (H. P. 2059) (L. D. 1095) under the same title and that it ought to pass.

In the House, report read and accepted, the bill read once and House Amendments "A" and "B" read and adopted; subsequently bill as amended indefinitely postponed.

In the Senate, on motion by Mr. Beckett of Washington, tabled pending consideration.

The Committee on Appropriations and Financial Affairs pursuant to Joint Order ask leave to Report a bill under title of bill "An Act Providing for Clerical Employees for Legislative Joint Committees, (H. P. 1985) (L. D. 1084) and that it ought to pass.

In the House, report read and accepted, House Amendment "A" read and adopted, and subsequently bill as amended indefinitely postponed.

In the Senate, on motion by Mr. Chamberlain of Penobscot, tabled pending consideration.

The majority of the Committee on Federal Relations on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled," (H. P. 376) reported that the same ought to be adopted.

(Signed) Senator Cony of Kennebec; Representatives Sylvia of Danforth, Latno of Old Town, Williams

of Bethel, Poulin of Waterville, Slosberg of Gardiner.

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

(Signed) Senators Kennedy of Hancock and Morse of Waldo and Representatives Payson of Portland and Grua of Livermore Falls.

In the House, Minority report accepted.

In the Senate:

Mr. KENNEDY of Hancock: Mr. President, we have before us this morning a Memorial to the Congress of the United States. I do not intend to insult the intelligence of this Senate by the expression of a doubt as to their decision in this matter. I desire only as chairman of the committee and as one of the four who signed the minority report to express as best I can my reaction to this vicious instrument.

The Memorial reflects the sentiment of a minority of our population, who have reached the age of 60 or over, also another minority not so old but even more insistent, who have decided that it is not their business but the business of the state, to care for, feed and clothe, the parents who brought them into the world, and who by suffering and self denial raised them to be men and women. In many cases these same parents denied themselves even the comforts of life in order to provide the means to educate their sons and daughters so that they might be able to avoid the hardships they themselves had suffered. The result of all this has been to create the modern youth, a being without sense of responsibility even to the father, who denied himself for him, or the mother who, in pain and misery bore him.

This lack of responsibility in our youth coupled with the idea that the Government owes everybody a living whether he works or not, is the basic cause for the existence of the Townsend plan so-called. This and other devices of like character are the natural product of the times, conceived by a country doctor who no doubt was alive to the possibilities involved. It has so appealed to the credulity of the helpless old people, and the selfish young ones, that it has become an epidemic of Townsend or Pension-itis which threatens in conjunction with the crazy tactics of the so-called new

deal to destroy what is left of the best country this world has ever known.

It is unnecessary for me to express to you my opinion of this and other vicious forces that have fastened themselves onto the vitals of our state and nation and which have been deliberately conceived not to build up but to destroy. You are aware of them, and that their objective, is to destroy all initiative in men and women to make a mockery of thrift and to destroy the civil, social and political morals of our people.

Our politicians have arrayed themselves on the side of all these devilish contrivances either to maintain their present status or to enable them to achieve higher standing in their profession, and they do not hesitate where self advancement seems assured, to play football with human misery. I still believe it to be my duty regardless of consequences to use my influence and my vote for the best interests of the people of the state and nation and not to further the plans or schemes of any club, association, society or class, that seek for themselves unjust advantages.

The immortal Lincoln once said that this country can not live half slave and half free. I say that neither can it live when one half of the people are forced to keep the other half in idleness.

Gentleman I have been warned that if I oppose this vicious instrument the Townsend plan so-called, that it will be just too bad for me politically. I have never hesitated to tell any man my honest opinion on any debatable subject and I am too old now to begin the use of subterfuge. I have voted and shall continue to vote and work against any scheme or proposition that my conscience tells me will hurt my state, and be darned to the political consequences.

I earnestly hope that my sentiments as expressed here may stiffen the moral backbone of some of our so-called politicians. God knows some of them need stiffening for the everlasting good of the state and nation.

To indorse this vicious, economic monstrosity would be but to furnish documentary evidence to the Congress of the United States that what our bumptious Secretary of

Agriculture Wallace said of our understanding is true.

Mr. President, I move acceptance of the minority report in concurrence.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I am entirely willing to admit that I am rather old in years but I frankly confess that I am young, and very young, in the procedure of the Senate.

I desire to make a motion. It may possibly be out of order. If it is I ask permission to make it, out of order. The motion is this: That the Secretary of the Senate be instructed to send a copy of the remarks of the Senator from Hancock, Senator Kennedy to the Senators and Representatives in the Congress of the United States.

The PRESIDENT: The Chair feels that the motion is in order, the motion being that a copy of the remarks just addressed by the Senator from Hancock, Senator Kennedy, be sent to the Senators and Representatives of the United States Congress.

Miss LAUGHLIN: Mr. President, I rise to a point of information. Does that motion mean all the Senators and Representatives of United States Congress or only those from the state of Maine?

Mr. CHAMBERLAIN: Mr. President, I should have said, to the Senators and Representatives from the state of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Chamberlain, that the remarks just addressed of the Senator from Hancock, Senator Kennedy, be sent to the Senators and Representatives from the state of Maine to the Congress of the United States. Is the Senate ready for the question?

The motion prevailed.

The PRESIDENT: The question now before the Senate is on the acceptance of the minority report of the Committee on Federal Relations on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled, the report being "Ought Not to be Adopted." Is the Senate ready for the question?

Thereupon, the minority report "Ought Not to be Adopted" was accepted in concurrence.



### Senate Committee Reports

Mr. Osgood from the Committee on Agriculture on bill "An Act Relating to the Control and Eradication of Bang's Disease," (S. P. 202) (L. D. 269) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to Agricultural Societies," (S. P. 129) (L. D. 135) reported that leave be granted to withdraw.

Mr. Worthen from the Committee on Inland Fisheries and Game on "Remonstrance of 156 members of Riverside Grange against any increase in the Hunting and fishing license," (S. P. 543) reported that the same be placed on file.

Mr. Chase of Washington from the Committee on bill "An Act to Define and Limit the Jurisdiction of Courts Sitting in Equity and for other Purposes," (S. P. 35) (L. D. 52) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Elliot from the Committee on Inland Fisheries and Game on bill "An Act Relating to Fishing Licenses," (S. P. 364) (L. D. 824) reported the same in a new draft (S. P. 629) under a new title, bill "An Act Relating to Hunting and Fishing Licenses," and that it ought to pass.

Mr. Marden from the Committee on Legal Affairs on bill "An Act Relating to Emergency Aid in Certain Organized and Unorganized Territory," (S. P. 558) (L. D. 1083) reported the same in a new draft (S. P. 628) under the same title, and that it ought to pass.

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

Mr. Worthen from the Committee on Inland Fisheries and Game on the following acts and resolves:

"Resolve Regulating Trapping of Muskrats in Plymouth Pond." (S. P. 253)

"Resolve Regulating the Trapping of Muskrats in Sourdabacook Stream," (S. P. 254)

"Resolve Regulating the Taking of Muskrats in Wassookeag Lake." (H. P. 544) (L. D. 218)

"Resolve Regulating the Trapping of Muskrats in Seabasticook Lake, Corundel Lake and their Tributaries." (S. P. 545) (L. D. 219)

"Resolve Regulating the Trapping of Muskrats in Runnells Brook." (H. P. 1111) (L. D. 399)

Bill "An Act to Close Presque Isle Stream to Trapping Muskrats." (H. P. 1554) (L. D. 652)

reported the same in a Consolidated Reslove (S. P. 630) under the title of "Resolve Relative to the trapping of Muskrats," and that it ought to pass.

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

### Passed to be Engrossed

Bill "An Act to Require Annual Registration of Osteopathic Physicians." (H. P. 708) (L. D. 261)

Bill "An Act Relating to Surface Treatment of Third Class Highways." (H. P. 728) (L. D. 310)

Bill "An Act Relating to the Sale of Cigarettes." (H. P. 1703) (L. D. 870)

Bill "An Act Increasing the License and Permit Fees for Outdoor Advertising." (H. P. 1995) (L. D. 1062)

Bill "An Act Regulating Automobile Finance Business." (H. P. 2124) (L. D. 1112)

Bill "An Act Relating to Apothecaries and the Sale of Poisons." (H. P. 2128) (L. D. 1113)

Bill "An Act Relating to the Statute Defining Real Estate for Taxation Purposes." (H. P. 2129) (L. D. 1114)

"Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals." (H. P. 2130) (L. D. 1115)

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

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. 625) (L. D. 1126)

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

Sent down for concurrence.

Bill "An Act to Permit Sunday Moving Pictures." (H. P. 1665) (L. D. 736)

Which bill was given its second reading.

Thereupon, Miss Laughlin of Cumberland presented Senate Amendment A and moved its adoption:

"Senate Amendment A to Legislative Document 736, bill, An Act to Permit Sunday Moving Pictures. Amend said bill by adding at the end thereof a new paragraph as follows: 'Section 39, J. A tax of three cents shall be collected by the state tax assessor on each admission to a motion picture theater. The state tax assessor is authorized and empowered to issue all necessary rules and regulations for the collection of said tax. The monies received from said tax shall be paid into the general fund of the state.'"

Miss LAUGHLIN: Mr. President, if the moving pictures are going to run seven days in a week, it means, of course, more fire hazard, and police protection, consequently more cost to municipalities. It seems to me that in return for such services there should be an added obligation. This amendment applies not only to admissions on Sunday but to all other admissions.

Mr. FRIEND of Somerset: Mr. President, when the vote is taken, I ask for a division.

Mr. BURNS of Aroostook: Mr. President, before the vote is taken on this measure, I would like to point out to the Senate certain reasons why I believe Senate Amendment "A" should not be adopted.

In the explanation given by the Senator from Cumberland, Senator Laughlin, she said that if movies are running seven days a week that there will be an additional expense to the municipalities because of additional precautions in relation to fire hazards and police protection. In that connection, I wish to say that the moving picture operators in the state today are paying their share of the taxes the same as any other business. They are obliged to pay real estate taxes, personal property taxes and income taxes, corporation taxes. If I understand the meaning of the law correctly, the people who pay those taxes are entitled to protection against fire hazards. They are also entitled to police protection which is for the benefit of the public, after all. The other businesses in the state receive

fire protection seven days of the week in return for the taxes on their business and their property and I do not see why any discrimination should be made against operators of theatres.

Another argument advanced by the Senator from Cumberland, Senator Laughlin, is that the police protection will cost the public more. I believe it is the general practice throughout the State for the moving picture operators to pay for police officers when any are necessary. Municipalities are not obliged, as a general proposition, to stand this expense. The theatres in the state are well run and well operated and there are ushers and employees who handle the public to the satisfaction of all. Those are the answers which I make to the argument in behalf of this proposed amendment which I am unalterably opposed to.

But back of that there is a greater question and it is this, that we propose if this amendment is adopted, to pass a tax, through an amendment, to a bill which has nothing to do with taxation even in the remotest degree. Legislative Document 736 is An Act to Permit Sunday moving pictures. As such it was advertised in the newspapers of the state in accordance with the statutory law. The theatre owners, theatre employees and the public were notified of the existence of such a bill in the legislature. They appeared at the hearing before the Legal Affairs Committee to offer arguments for and against this measure. They were not advised when there, and they had no notice of any proposed tax, and I say that we are dealing with a constitutional question when we undertake to amend a bill, which has for its title, "An Act to Permit Sunday Moving Pictures", by adding a tax measure.

No one has been more scrupulous in the legislature and especially so in relation to the Judiciary Committee than the distinguished chairman of that committee (Senator Laughlin) who has stood strongly in opposition to any amendment to a bill which was not germane to the general subject matter. I say we would be doing violence to that accepted and well recognized legislative provision which requires the public of the state be given a notice of matters affecting them, which are before the legislature. This is especially so in relation to any tax

measure and I hope that the amendment offered by the Senator from Cumberland, Senator Laughlin, will not be adopted.

Mr. CONY of Kennebec: Mr. President, I sat here the last two days and heard many arguments of varying merit. I wondered if the Senate was at this moment getting itself into a state of hysteria. I was reminded of an incident which happened in our municipal court some time ago where the judge and the culprit were not very close friends. The judge had occasion to mete out justice to the culprit a number of times and on this particular morning he said, "Thirty days in jail" to which the respondent replied, "That is all right, Judge, I can do that and stand on my head." The judge said, "All right, thirty days more to get back on your feet again." I am wondering if we are not in a similar state of mind.

Yesterday we heard some able speeches. We heard others. In connection with one speech a Senator sitting near me said, "In spite of the gentleman's argument, I am forced to agree with him"; and the Senator from Washington (Senator Chase) who sits in front of me, burst into song. He called it verse and admitted it was not a poem. I think it was doggerel. He said he had forgotten part of it and if it had been in order I would have said that I hoped he would forget the whole of it.

In this particular matter, I am wondering if we are not losing sight of our program on taxation. I think this legislature has gone on record as opposed to additional taxes, in conformity with the party platform. I think as far as moving pictures are concerned, they represent a substantial material interest in the community. In my own city I know the property holdings are such that they are among the heaviest taxpayers in the community and I suspect that is true in nearly all of our larger communities.

I am wondering if the Senate is going to tax the material interests in our communities without a hearing, and if we are not becoming disciples of the more abundant life. I hope this amendment will not be adopted.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Cumberland, Senator Laughlin, that Senate Amendment A be adopted and the Senator from Somerset, Senator Friend has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Three having voted in the affirmative and twenty-one opposed, Senate Amendment A was not adopted.

Mr. CHAMBERLAIN: Mr. President, I have no intention whatsoever of impeding the passage of this bill. The members of the Senate have expressed themselves very completely as to the final enactment of this measure. But I do believe that there should be a small amendment offered, for this reason: There are in the state many splendid picture houses. There are also many others that are not so good that are carried on by perhaps a different kind of people. Therefore, I offer Senate Amendment B and move its adoption:—

"Senate Amendment B to Legislative Document 736. Amend said bill by adding at the end thereof the following: 'It shall be unlawful for any person, firm or corporation operating any theatrical or motion picture show on Sunday to require or permit any employee of said person, firm or corporation to work or be on duty more than six days in any one week.'"

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

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment B and the Senator from Penobscot, Senator Chamberlain asks for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and none opposed, Senate Amendment B was adopted.

Thereupon, Mr. Burns of Aroostook, offered Senate Amendment C and moved its adoption:—

"Senate Amendment C to Legislative Document 736, An Act to Permit Sunday Moving Pictures. Amend said bill as amended by House Amendments A and B by striking out the period after the word 'meeting' in the tenth line thereof and inserting the following: 'Provided, however, the municipal officers of a city so voting, that Section 39, G shall be effective in such city until a vote thereon has been taken at the next regular or special municipal election.'"

Mr. BURNS: Mr. President, in explanation of that motion, it was

brought to my attention that under the existing bill, it would be necessary for the cities of the state, if they wanted Sunday movies before the next municipal election, to call a special municipal election in those cities where charter provisions were to that effect. I was further told that this would entail considerable expense to some of the cities. I was told that to call a special election in the city of Portland, assuming there is a charter provision to that effect, it would cost approximately \$2500. To avoid this expense to the city of Portland and other cities in the state who may be desirous of having Sunday movies this year, provided this bill is finally enacted and signed by the governor, this provision was inserted and has been passed on by Mr. Mayo Payson of the House, who is familiar with municipal government. The proposed amendment provides that after public hearing the municipal officers of any of the cities may order that Sunday movies may be exhibited until the annual election when the people can vote to continue Sunday movies or not. I think it is a sensible amendment to take care of the situation with which the cities will be confronted.

Mr. MARDEN of Kennebec: Mr. President, might I ask that that amendment be read again?

The Secretary read the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Burns, that Senate Amendment C be adopted and the Chair understands that that Senator asks for a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and eleven opposed, Senate Amendment C was adopted.

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

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act Amending the Law relating to Outdoor Advertising." (S. P. 69) (L. D. 39)

Bill "An Act Providing for the Election of a Chairman of the Board of Selectmen." (S. P. 196) (L. D. 240)

Bill "An Act Relating to the Collection and Disposition of Money Received through Violations of the Inland Fish and Game Laws." (S. P. 218) (L. D. 289)

Bill "An Act Relating to Incorporation of Cemeteries and the Operation of Burying Grounds, Burial Structures, and Disposal of Dead Human Bodies." (S. P. 325) (L. D. 578)

Bill "An Act Relating to Public Exhibitions." (S. P. 390) (L. D. 823)

Bill "An Act Relating to Local Option Provisions." (S. P. 497) (L. D. 1035)

Bill "An Act Relating to the Keeping of Dogs." (S. P. 509) (L. D. 1048)

Bill "An Act Relating to Requirements for Old Age Assistance." (S. P. 555) (L. D. 1080)

Bill "An Act Relating to the Support of Parents." (S. P. 556) (L. D. 1081)

Bill "An Act Relating to Reports to Towns of Excise Tax Payments." (S. P. 557) (L. D. 1082)

Bill "An Act Relating to the Examination of Railroads by the Public Utilities Commission." (S. P. 562) (L. D. 1087)

Bill "An Act Creating the Passamaquoddy District Authority." (S. P. 573) (L. D. 1101)

Bill "An Act Relating to Automobile Travel by State Employees." (S. P. 596) (L. D. 1108)

Mr. BURNS of Aroostook: Mr. President, I move that bill, An Act Relating to Automobile Travel by State Employees, be laid upon the table.

Mr. HILL of Cumberland: Mr. President, I ask unanimous consent to address a question through the Chair to the Senator from Aroostook, Senator Burns.

The PRESIDENT: The Senator from Cumberland, Senator Hill asks unanimous consent to address the Senate. Is this the pleasure of the Senate? The Chair hears no objection. The Senator may proceed.

Mr. HILL: Mr. President, my question is, whether the Senator from Aroostook (Senator Burns) would incorporate in his motion a provision for especially assigning the bill to some early date.

Mr. BURNS: Mr. President, I am willing to amend my motion to table to the effect that it be assigned for Friday next.

Mr. HILL: Mr. President, I thank

the Senator from Aroostook (Senator Burns).

The PRESIDENT: The Senator from Aroostook, Senator Burns, moves that Legislative Document 1108, bill, An Act Relating to Automobile Travel by State Employees, be laid upon the table and especially assigned for Friday next. Is the Senate ready for the question?

Thereupon, the bill was laid upon the table pending passage to be enacted and next Friday assigned.

Bill "An Act Amending the Unemployment Compensation Law Exempting Certain Employees." (H. P. 902) (L. D. 294)

Bill "An Act Relating to Permits for Non-resident Charter Parties." (H. P. 1333) (L. D. 540)

Bill "An Act Relative to Jail Auditors." (H. P. 1428) (L. D. 609)

Bill "An Act Relating to the Licensing of Aircraft." (H. P. 1439) (L. D. 619)

Bill "An Act Relative to Trapping Season." (H. P. 1657) (L. D. 655)

Bill "An Act Relating to Vacancies in Town Offices." (H. P. 1649) (L. D. 709)

Bill "An Act Relating to Fees for Licenses." (H. P. 1769) (L. D. 938)

Bill "An Act Designating a Certain Road as 'Moosehead Trail.'" (H. P. 1802) (L. D. 965)

Bill "An Act Permitting Teachers to be Elected under contract." (H. P. 1980) (L. D. 1050)

Bill "An Act Providing for the Disposition of Moneys from the Tax on Gasoline Purchased for Use in Internal Combustion Engines." (H. P. 1983) (L. D. 1008)

Bill "An Act Repealing the Bounty on Porcupines." (H. P. 1986) (L. D. 1055)

Bill "An Act to Incorporate the Brooks Water District." (H. P. 2035) (L. D. 1068)

Bill "An Act Naming the Deer Isle-Sedgwick Bridge." (H. P. 2037) (L. D. 1069)

Bill "An Act Providing for Licenses for Cinematograph, Moving Pictures and Operators." (H. P. 2039) (L. D. 1070)

Bill "An Act to Provide Town Council and Manager Form of Government for the Town of Norway, in the County of Oxford." (H. P. 2040) (L. D. 1071)

Bill "An Act Relating to the Assessment of Inheritance Taxes." (H. P. 2056) (L. D. 1092)

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 2060) (L. D. 1096)

### Finally Passed

"Resolve Authorizing the Town of East Machias to Close the West Outlet of Gardners Lake." (H. P. 481) (L. D. 145)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interests of the State in Land in Washington County to Robert Bernard, Jr., of New York." (S. P. 229) (L. D. 276)

"Resolve Authorizing the Sale of a Certain Interest Held by the State in an Undivided Part of Township 4, Range 3, N. B. K. P. in Somerset County." (H. P. 948) (L. D. 374)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace Shannon Moore of Macwahoc." (H. P. 1460) (L. D. 569)

"Resolve Authorizing the Forest Commissioner to Sell Land on Muscongus Island." (H. P. 1461) (L. D. 568)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Hector Martin." (H. P. 1726) (L. D. 898)

"Resolve to Reimburse the Town of Bethel for the Fighting of Fire in Unorganized Township of Albany." (H. P. 1867) (L. D. 1010)

### Emergency Measures

Bill "An Act to Provide for the Repeal of the Charter of the Fort Kent Village Corporation." (S. P. 393) (L. D. 763)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

Bill "An Act Creating the Board of Sanitation, Licensing and Inspection and Defining its Powers and Duties." (S. P. 597) (L. D. 1107)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed, was passed to be enacted.

### Orders of the Day

Mr. MARDEN of Kennebec: Mr. President, may I call the attention of the Senate to Item 29 on Page 3 of the calendar on which the Committee on Motor Vehicles re-

ports a consolidated bill, with the report that it ought to pass, which report we have accepted this morning. I would like to move we reconsider our action whereby the report was accepted.

Thereupon, the Senate voted to reconsider its action whereby earlier in today's session it accepted the report of the Committee on Motor Vehicles "Ought to Pass" on Consolidated bill, An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles (H. P. 2135) (L. D. 1123).

On motion by Mr. Marden, the bill was laid upon the table pending acceptance of the report, and especially assigned for tomorrow morning.

MR. MARDEN: Mr. President, may I express the hope that between now and tomorrow morning the members of the Senate may find time to read that consolidated bill, as it seems entirely worth while but the administrative problem seems rather great, and I merely invite the Senators' attention to it.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, bill An Act Relating to Insurance Agents (H. P. 2119) (L. D. 1111) tabled by that Senator on April 4th pending passage to be engrossed in concurrence; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Cony of Kennebec, the Senate voted to take from the table, House Report from the Committee on Mercantile Affairs and Insurance, "Leave to Withdraw" on bill, An Act Relating to Insurance Agents (H. P. 1674) (L. D. 884), tabled by that Senator on March 21st pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Boothby of York, the Senate voted to take from the table, bill, An Act Relating to Election of Commissioners of Police in Sanford (H. P. 1981) (L. D. 1051), tabled by that Senator on March 28th pending passage to be engrossed in concurrence; and the same Senator presented Senate

Amendment "A" and moved its adoption:

"Senate Amendment A to House Paper 1981, L. D. 1051, An Act Relating to Election of Commissioners of Police in Sanford. Amend said bill by striking out all of the second paragraph thereof and inserting in place thereof the following:

'Section 2. Board of Police Commissioners. The Governor with the advice and consent of the Council shall appoint a board of commissioners of public consisting of three resident citizens of Sanford, not more than two of whom shall be members of the same political party, one for three years, one for two years and one for one year. Thereafter one member shall be appointed annually to serve for three years. In case of any vacancy in said board, the Governor with the advice and consent of the Council shall appoint a member to serve during the unexpired term. The appointments provided for by this section shall take effect on January 1, 1940, when the office of police commissioner as established by existing law shall be abolished.'

Further amend said bill by striking out in the fourth line of section 2 thereof the word 'meeting' and inserting in place thereof the word 'election'."

Thereupon, Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed in nonconcurrence.

Sent down for concurrence.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, bill An Act Relating to Maine Forestry District (S. P. 624) (L. D. 1125) tabled by that Senator on April 4th pending adoption of Senate Amendment "A".

MR. BURNS: Mr. President, yesterday the Senator from Penobscot, Senator Worthen, offered Senate Amendment "A" to this bill and it was read by the Secretary. I have examined the amendment and am in accord with it. I therefore second the motion of the Senator from Penobscot, in respect to the adoption of Senate Amendment "A".

Senate Amendment "A" was adopted.

Thereupon, Mr. Burns presented Senate Amendment "B" and moved its adoption:—

"Senate Amendment 'B' to Legislative Document 1125, An Act Re-

lating to Maine Forestry District. Amend said bill by inserting before the words 'may construct' in the tenth line thereof the words 'for the purposes mentioned in this section only.'

Senate Amendment "B" was adopted, and the bill as amended by Senate Amendment "A" and Senate Amendment "B" was tomorrow assigned for second reading.

Mr. CHASE of Washington: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Washington, Senator Chase asks unanimous consent to address the Senate. Is that the pleasure of the Senate? The Chair hears no objection, and the Senator may proceed.

Mr. CHASE: Mr. President, I was rather surprised and embarrassed by the remarks of my good friend, the Senator from Kennebec, Senator Cony, and had I time to consult a dictionary and prepare something appropriate to the occasion, I might say something like this: I have never heard such an enthusiastic outburst of ignorance on the subject of poetry, and never have I witnessed such an exhibition of devilish, denatured duplicity and such a skillful purveying of elongated veracity. Not having time to consult the dictionary, I could not, of course, prepare anything like that. But it is a preface to my remarks in regard to the economy committee. I appreciate the time they have spent on the subject and concur with their findings. I have expressed my opinion in what the good Senator from Kennebec, Senator Cony, has termed

doggerel, and I will read it at this time:

"If we could give relief with spuds  
and oatmeal,

With fruit and fish, or native  
pork and beef,

If we could ban the products of the  
new deal,

It wouldn't cost so much to give  
relief.

If we would give our native things  
attention,

And nothing in the world could  
be more sane,

It shouldn't take much scheming or  
invention

To use the products of the State  
of Maine.

If we would prune departments and  
commissions,

We couldn't do a thing that seems  
less rash,

The people back home would wel-  
come the omissions

And we'd save the State of Maine  
a lot of cash.

If we would defend the things de-  
fenseless

And put a razor edge upon the  
axe,

If we would kill the things we know  
are senseless

We wouldn't hunt for luxuries to  
tax."

The PRESIDENT: The Senate  
hears the message.

The PRESIDENT: We are proceeding under Orders of the Day. Is there further business to come before the Senate?

On motion by Mr. Findlen of  
Aroostook

Adjourned until tomorrow morn-  
ing at ten o'clock.