

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

available from surplus revenue construction funds.”

Thereupon Senate Amendment “A” was adopted and the resolve as so amended was passed to be engrossed.

An Act relating to military and naval reservists. (S. P. 270, L. D. 983)

An Act to clarify the payment of military accounts. (S. P. 271, L. D. 984)

An Act to create a Game Sanctuary in the town of Hope, Knox County, to be known as the Gribbel Game Preserve. (S. P. 307, L. D. 987)

Mr. St. Clair of Knox offered Senate Amendment “A” and moved its adoption:—

“Senate Amendment ‘A’ to Senate Paper 307, L. D. 987, entitled: ‘An Act to Create a Game Sanctuary in the Town of Hope, Knox County, to be known as the Gribbel Game Preserve.’ Amend said bill by striking out in the fifth, sixth and seventh lines of said bill the following words: ‘which territory is bounded and described as follows:’ (description in detail to be inserted at hearing before committee.)”

Thereupon Senate Amendment “A” was adopted and the bill as so amended was passed to be engrossed.

An Act relating to nawkers and peddlers. (S. P. 570, L. D. 986)

(On motion by Mr. Littlefield of York, tabled pending second reading and especially assigned for this afternoon.)

An Act relating to the administration of the State. (S. P. 588, L. D. 954)

Mr. WEATHERBEE of Penobscot: Mr. President, I offer Senate Amendment “A” and move its adoption. These amendments are calculated to correct some imperfections in the bill and they have the support of the entire committee on the Administrative Code.

“Senate Amendment ‘A’ to L. D. 954: ‘An Act relating to the Administration of the State.’ Amend L. D. 954:

“1. Insert in the third line of the last paragraph of Section I of Article I after the words ‘Port of

Portland Authority’ the words ‘the executive council’.

“2. Insert after the word ‘governor’ in the first line of paragraph 5, Section 2, Article 2 the words ‘or to the legislature’.

“3. Strike out the word ‘and’ in the third line of paragraph 2 Section 10, Article 2.

“4. Strike out the words ‘treasurer of’ in the tenth line of Section 15, Article 2.

“Strike out the word ‘him’ in the next line the first time it appears and insert in place thereof the words ‘the treasurer of state’.

“Strike out the second paragraph of said section.

“5. Strike out the words ‘treasurer of’ in the third line of Section 17, Article 2.

“6. Strike out the words ‘including the legislature’ in the fifth line of Section 19, Article 2.

“7. Strike out the words ‘subject to budgetary provisions of this act’ at the end of Section 2, Article 6.

“8. Insert the words ‘or to the governor’ after the word ‘committees’ in paragraph 3, Section 3, Article 6.”

Mr. ALDRICH of Sagadahoc: Mr. President, the amendment may be very intelligible to all of you gentlemen here but I am very frank to say that it means nothing to me and I would therefore move that, in order that we may have an opportunity to know what we are voting about and in order that we may know when we do vote that we are voting for what we want and vote with intelligence, that this matter lie upon the table and that that amendment be printed in order that we may consider it.

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

The PRESIDENT: The question before the Senate is upon the motion of the Senator from Sagadahoc, Senator Aldrich, that Senate Amendment “A” and the bill be laid upon the table. A division has been requested.

A division of the Senate was had. Eleven having voted in the affirmative and fifteen opposed the motion to table did not prevail.

The PRESIDENT: The question before the Senate is now upon the adoption of Senate Amendment “A”.

Thereupon, Senate Amendment “A” was adopted.

Thereupon, Mr. Aldrich of Saga-

dahoc offered Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B' to Legislative Document No. 954: An Act Relating to the Administration of the State.

"1. Amend legislative document No. 954 by striking out of section one of article one, 'Sub-division 2. Department of Health and Welfare.'

"2. Amend legislative document No. 954 by striking therefrom all of article three.

"3. Amend legislative document No. 954 by striking out from Section 7 of Article 7 the sub-divisions numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 20."

Mr. ALDRICH: Mr. President, I may say in brief what that amendment means. It is to strike from this bill the consolidation of the Departments of Health and Welfare and the institutions of the State. I am told by gentlemen in this body and by others that in supporting this amendment I am supporting a lost cause and I will say frankly to you, Mr. President and members of the Senate, that if I did not feel that there were necessities for expressing opinion concerning this bill I should be willing to accept the judgment of my friends that this is a lost cause so far as this body is concerned, and should not burden you with any remarks. But I am reminded, Mr. President, of an incident, two years ago in this Legislature where also some of us defended a lost cause. I shall not remind you in detail as to the particulars of that cause but I will call your attention to the manner in which the Senator from Washington, Senator Murchie, brilliantly defended the same lost cause and attempted to protect the Legislature from the injustice which it was preparing to inflict and from a violation of the Constitution of this State. But regardless of the fact that that cause was a lost cause in the Legislature, I would call to your attention that in my judgment that lost cause reverberated throughout this State and part of the results from it were represented in the vote of the Republican party in June and of the voters of the people of the State of Maine in September—regardless of the fact that that was a lost cause

in these halls I wish to say to you now and here that it had its effect and I say to you that although this may be another lost cause, so far as you gentlemen are concerned, do not forget that the people of the State of Maine will pass upon your action. And in my opinion unless you are prepared to give this matter more consideration than your action up to this point indicates, the result in 1932 may be serious.

Now, what is the situation which we have confronting us in this bill? An organization known as the National Institute of Public Administration was invited to make a survey of this State. I have no quarrel whatever with that invitation. In fact I am delighted that that invitation was extended and I am frank to say to you that I think the results of that have been of very great value, but I should like to remind you that that organization with perfect frankness, commendable frankness, at the outset of the report which it submitted, indicated clearly what its purpose was and what it desired to accomplish in this State. And may I say that I find no fault with the gentlemen of that survey for holding opinions which they do hold, but I do submit to you that, as told to me by one of the leading members of the committee of seventeen that finally passed upon this and gave us this Code Bill, so-called, (although we do not call it a Code Bill any longer)—I submit to you that the sole question involved in this matter is one as to which line of thought you agree with. There are two lines of thought among students in this country, the one expressed by this survey which I have before me in this book of the desirability of having a strong centralized government which will take the power, or to which the power of the people will be transferred, and the other, which I am defending, that the people of the United States and of the State of Maine—a state in which I would remind you the principle of democracy is still so strongly existent that in our municipal and town affairs we have a pure democracy, as represented by our town meetings—the people of the State of Maine have not yet reached the point where they are willing to grant that power and right to any centralized

government. That is the issue. And in order that we may clearly understand it let me read to you from this book: "Briefly, the plan which we propose would center all executive responsibility in the governor through the establishment of a small number of administrative departments under his control and direction." And I will say to you that the survey report is thoroughly consistent in adopting that policy. Now the reason for adopting the policy, according to the same report, is that the administrative organization of this State is a ramshackle one consisting of many statutory leantos. This State, which has been functioning, and as I will show you by the very language of this same survey is functioning today, efficiently, they tell you is a ramshackle organization with a lot of statutory leantos. But I say to you that the very survey itself shows that instead of a ramshackle building we have a mansion which instead of being supported by statutory leantos is supported by granite pillars. Now, after this report appeared a selective committee of seventeen was appointed to put it in operation and the result of their labors is the bill which came in here originally, known, I think, as Legislative Document No. 20, in which in very large measure the principle outlined was adopted. Now, Legislative Document No. 20, permit me to say, had the hearty approval of the committee of seventeen and it had the hearty approval of the sponsors of this bill, but it was soon discovered that notwithstanding the presumably extensive investigation which had been made it was so full of errors and mistakes that for all practical purposes that Legislative Document No. 20 has almost ceased to exist and we have now presented to us a modification of that document which has removed some of the objectionable features,—some of which, my friends, had they been adopted, in my opinion would have absolutely made subversive to powerful interests two of the greatest departments in this State—our Public Utilities Commission and our Highway Commission. And yet that was proposed and recommended to us by this learned committee of seventeen and they let me say to

you, spent, I think, two or three months studying this problem.

And now we have a committee of the Legislature which for about two months has been tackling this same problem, during the time when they, like you and me, have been so busy with other ordinary legislative matters that it would appear to me it has been a physical impossibility for a proper and satisfactory study to have been made of this most important question. And we now have reported to us something which in my judgment, our committee hopes and believes the Legislature might accept; and so far as I have been able to ascertain that is one of the main reasons why this amended draft is here before you.

I haven't had the time to study this draft and I know that you haven't and I do not propose to discuss the entire bill. It would take too long if I could, and I cannot. I wish we might have had until next week but you didn't see fit to grant the time and so I shall address myself only to the amendment which has been proposed and which in effect is to eliminate from this bill the consolidation of the Health and Welfare Departments and the State Institutions and leave them as they are. May I remind you that this is not the first time that we have had this proposition made. Many of you were members of the 84th Legislature. You know that in that Legislature we had a proposed consolidation of just the penal institutions—ye gods! a simple consolidation. It was not then proposed to add to that the Health and Welfare Departments; it was just the State penal institutions. And the Legislature of 1929 overwhelmingly refused to adopt that simple consolidation!

Some of my friends tell me that the Republican party has approved the proposal of this draft. I say to you that that is not so. I was a member of the platform committee of the convention of the Republican party in Bangor and I know what happened. There was a proposal in Bangor that we should approve these consolidations and it was voted down with the result that the same general language which appears in the platform was adopted. I know because I made the motion by which it was

voted down on the ground that any such plank in the platform would have been a repudiation of the action of the Republican Legislature in 1929, in refusing to approve such consolidation. We didn't repudiate the Legislature of 1929 in that platform. There is nothing in that platform that calls upon you and me as Republicans to take one iota of the survey report or of this bill. Because the platform of the Democratic party may have approved of general consolidations should in no way influence our action. Since when has the Republican party felt called upon to approve a defeated platform of the Democratic party in Maine?

Having disposed of that, permit me before going on to say one more thing, and this, my friends, ought to have weight with you if anything will have weight; this entire proposal arose from this survey. This entire proposition comes as a result of a recommendation by this survey and yet I say to you that if the language of that survey is to be accepted the surveyors themselves will tell you to defeat this bill. Let me read to you from the survey report: "We believe that nothing short of complete administrative reorganization should be undertaken. No halfway measures, no piecemeal 'readjustment' will meet the present situation"—to bolster up this ramshackle organization that we are talking about with its statutory leantos—"Nothing less than a comprehensive, well balanced and properly integrated reorganization plan will suffice." Now, so that there may be no misunderstanding as to what they mean, they continue: "Such a plan will require constitutional as well as statutory changes for its adoption." So I submit for your consideration that the authors of the very survey report which is the basis for your proposed action, if asked to express their opinion would tell you that this won't do; you will get nowhere. And I say to you that you will get worse than nowhere.

In order that we may understand how ramshackle this government of ours is, permit me to read for a few moments a few extracts from this same delectable survey report. In speaking of public welfare we find this language: "Of course it has not succeeded under such cir-

cumstances"—they mention some few things there—"in doing an efficient piece of work, although even with these limitations it has made some real and permanent contributions to public welfare betterment." Now, that was a general statement. One would think that they would have let it go there, if they really meant what appeared to be their purpose; but they didn't. We find further on that they take up this specific work which the Welfare Department is doing and in connection with Mothers' Aid this language is used: "We shall consider these possibilities later, but it is proper to say here that our criticisms of the present administration of Mothers' Aid must not be regarded as in any way reflecting upon the efficiency of the Department of Welfare. It has done its work well. In the case of dependent and neglected children committed to it by municipal and probate courts, the department of public welfare has likewise shown high efficiency under existing conditions. This report further points out that in the last five years the cost of the Welfare Department has been reduced, which spells efficiency. Now there appears on the next page, after showing the reduction of cost, "This is a record of which the Department of Welfare may well be proud and it testifies as clearly to the efficiency of the department's field agents as to the competency of their direction." And then further on, speaking of our State institutions—and they are involved in this—this language is found. "On the whole the institutions are physically satisfactory, wholesome in maintenance, constructive in purpose, and providing, apparently, as good care of patients and inmates as is possible under existing conditions. Their executive officers are with two exceptions," one an old man and the other the warden of the State Prison, "competent men and women; the morale of all personnel is excellent; there is no evidence that partisan politics has worked to the institutions' disadvantage; and all institutional officers are eager to adopt any permissible policy or procedure which will mean more efficient service. Costs in most of the Maine institutions are lower than in like institutions in other states where more adequate professional and

technical personnel is provided, and where public interest and support of institutional work has been better fostered." Think of it! Better here than where they have more to do with. "In the State hospitals, per capita costs compare favorably with those of similar hospitals in other states."

Speaking of the schools for delinquents, "At the two schools for juvenile delinquents per capita costs are far lower than in efficient institutions of their type elsewhere." And then they say, "The same is true of the reformatories for men and women. Their costs are lower than those of the most efficient like institutions in other states. Each is as well managed as present policy and funds permit. Indeed, we regard these two institutions as outstanding in many respects among institutions of their type."

I shall not burden you further with reading further extracts from that survey report, but I have read those to cause you to realize that we have here an efficient and well conducted department which compares favorably in all respects with those of other states, and yet we are now being asked, for no reason at all that I can see, to take a chance of changing that policy; take a chance of interfering with that efficiency and try something else which I say to you here and now has not been tried in any other states except two or three. As I said, I shall not read more to you, but there is one thing of which we may be proud, which is clearly demonstrated in this survey report. It is a remarkable thing, my friends. You can read that book from cover to cover and you won't find a suggestion between the two covers of any misfeasance or malfeasance of any official or of any improper interjection of politics into any department of the State of Maine. I say to you, and I understand those survey men said, that it was a most remarkable condition and one which they had seldom found in their work. And yet you are proposing for no adequate reason that I have heard, to take a chance—to gamble—and upset that which the years of experience has shown us is good; to try out something of which we do not know and which isn't being tried elsewhere. Think it over!

So far as I can find from that survey, and I have read it, the only reason therein contained for this proposed consolidation is this,—that these three departments "conserve the human resources of the State." Well, can you tell me any department in the State of Maine which isn't at this time at work in conserving the human resources of the State? If there is any department in the State which is doing it more effectively with that one thing in view than the Department of Education, I would like someone to tell me where it is. And if that is the reason for this consolidation, then I say to you, go the full length and embrace the Department of Education in there and every other department under one super-man. Figure it out,—"is engaged in conserving the human resources of the State." It is nice language but I say to you, it is pretty poor reason for combining three departments which do not have anything in common. If this were all I should think it would be enough. An order was introduced yesterday which promptly went on the table. I am sorry because those who presented the order were desirous that you might have, as members of this Legislature, as much information as could be given to you. An order went in here that the committee produce for our inspection, the correspondence which it had received; and there is ample reason for supposing it had received a good deal of correspondence bearing upon this subject. For what reason I know not; but that order was tabled and so that correspondence is not available to you; but I am going to take the liberty of reading to you one letter, copy of which I hold in my hand and which I have every reason to believe was sent to the committee, and which I assume was received by it. If you will indulge me a moment, I would like to read it because it will give you some idea of the prevalent opinion of those who are competent to judge on this proposed set-up of the Departments of Health and Welfare.

"Special Committee of the Legislature on Reorganization of State Administration. State House, Augusta, Maine. To the Chairman. Dear Sir: I have today received a copy of the report to your commit-

tee by the National Institute of Public Administration of this city, and beg to call to your attention the danger of accepting any such report as expressing the opinion and judgment of well informed physicians and sanitarians trained in the administration of public health.

"The survey staff responsible for the report includes the name of but one physician, who as a matter of fact has not had experience in responsible positions of public health." I hope you observe that. "The conclusions and recommendations of the report so far as they deal with the creation of a Welfare Commissioner concerned with administration of State institutions, with a medical subordinate to direct the functions of a State Department of Health are in direct opposition to the best liberal and conservative opinions of sanitary practice throughout the country.

"Any such step as is proposed would be backward into the period of political lay administration of health, and in direct conflict with the position of thoughtful governmental officials in those states and cities which have brought American health practice to its present eminence."

Now, in order that you may know who this man is: "As a former public officer of health, (Health Commissioner of New York City), as a consultant in health practice here for the governments of a score of cities (Cleveland, San Francisco, St. Louis, Louisville, Philadelphia, Memphis, Augusta, Scranton, Bethlehem etc.), and as a member of the survey staff of the Health Organization of the League of Nations for Greece and the city of Athens, and as a teacher of administrative practise in this University (Columbia), I urge your honorable body to obtain advice from the highly responsible national professional organization, the American Public Health Association before taking action in agreement with the report referred to, or accepting this report as authoritative. Signed, Haven Emerson, M. D., Professor of Public Health Administration College of Physicians and Surgeons of Columbia University, and member of the Advisory Board of the National Institute of Health of the

United States Public Health Service."

I shall not tire you—I have a number of letters here, copies of which I think went to the committee from the professors of public health, Yale University, Harvard, and Johns Hopkins University, letters from leading medical men all over the country, and all of them, so far as I have seen, say that if you adopt this proposition of combining health and welfare, it is a step backward.

My friends, I do not know anything personally about health and welfare any more than you do. You may know a lot more than I do. I do not know much about it but if I want information about it, I go to experts, the men who ought to know, not men merely technical or theoretical, but men of medical experience. If the statements contained in the letter I just referred to are true, there was no man on this survey committee of practical experience in public health work competent to make the recommendations contained therein.

I know I am talking too long. There is not much more I will say, but I will tell you this: This matter has been tried in two states, possibly three, but the two to which I refer are Nebraska and Idaho. Now, Dr. Smillie, I think of New York, in one of these letters said this, "An organization of state health service similar to the one proposed for Maine has been adopted in Idaho and Nebraska. These states have not been benefited by the plan. On the contrary, I can say without fear of contradiction that of all the 48 states, the poorest health service, the most ineffective, least progressive, is to be found in Nebraska and Idaho." That letter I will say, came to the attention of Dr. McCombs who was the staff doctor of this survey. He evidently thought that "inasmuch as Dr. Smillie has made such a scathing arraignment of Nebraska if I write to Nebraska, I will have that refuted." So he wrote to the Health Bureau of Nebraska, and I will tell you what they said. I will not read the letter, but I will read you the closing paragraph. It is from Dr. P. H. Bartholomew, Director of Public Health. He writes: "A ray of hope appears of Nebraska, as the present governor has definitely advocated a State De-

partment of Health." That is underlined. That is what Nebraska says about what they have been accomplishing out there under the plan now proposed for Maine.

You want to experiment with it? Good Lord, Senators, I tell you we do not know what we are doing. I have moved and I have asked that we have time to think. What do you and I know about this? Whom do we have advising us? Who does know? The survey gentlemen from New York? We need a man competent to advise us in this matter. The surveyors come up here and tell you your government is in need of a change—your government which has been acting with efficiency. What do you suppose they said that for? Here is one other interesting thing—it may be a matter of interest to you. These same gentlemen, I think it was under a different name, at that time—I forget what they called themselves then, but a New York organization—Mr. Buck was in it. And may I say here, the gentlemen who offered this Code bill were from New York (this Code bill going out of the window, isn't a Maine bill, it is something handed on a platter from New York) I may say I hold no disrespect for New York. I came from there, myself. I do not think it is necessary for anyone from New York to prepare a bill for us to consider. Nevertheless, these same gentlemen, the same board or organization three or four years ago made a survey in Virginia. Mark this, in Virginia they recommended to keep the health and welfare departments separate. In Maine they recommended to combine them against the advice, the intelligent opinion of the leaders of thought who ought to know what they are talking about; and we are preparing to accept this outside recommendation which is inconsistent with their previous recommendations. We have no reason whatsoever for accepting the recommendations of men who, if my information is true and correct, are not competent to give advice on this subject!

A most unusual situation exists here today. I am advised—I think it is true and I guess you know it to be true, that the entire executive council now in Augusta is in opposition to this bill. They are a branch of this government just as

you and I are—advisory in character. They are a branch of government who have not only had some experience the same as you and I have, but have served some years in that council and are acquainted with what this State is going and the efficiency with which it is done. In the plan to be adopted, had their power been curtailed, I would not be so surprised at their attitude. But, mark you, under this bill as I have read it, the Council is to be left just as it is, with all the powers it now has. To their judgment we cannot ascribe any selfish motive. The opinion of those six men, coming from various sections of this State is honest. And I say to you that they are men who by reason of their experience ought to be willing to speak to you and to me with some authority. It is a most significant thing.

May I say to you in closing—and I apologize for having talked so long—I came to this State something over eight years ago and I wish to publicly acknowledge here that the kindness with which I have been received in this State imposes upon me a debt of gratitude which I feel I shall never be able to repay. I again apologize to you for having spoken to you at such length, but I should feel, my friends, even though I may stand alone, that I was derelict in my duty, derelict in my appreciation for what has been done for me by the people of the State of Maine if I did not arise here and speak, as I believe, in the interests of that State.

I do not care how you vote, but for Heaven's sake, when you do vote, let us know that you are voting, not because you think somebody wants you to, not because it would be a nice thing to do, not because, as I have heard over and over again, "I cannot see that this will do any particular harm." My friends, in my judgment, this is the most serious piece of legislation that has appeared in this Legislature since I have been here—most serious in its possibilities. We are rushing this thing through as if it were nothing but a \$500 resolve. I pleaded—there is no confidence of this—I pleaded with the chairman of the committee yesterday to give us a chance, give you a chance over the week end to read this bill and know what it means. I talked with

a legislator who said that he tried to read it for an hour and a half the night before, and gave it up because he could not understand it. They are rushing it through, and I say it without fear of contradiction, it is coming here—this is without criticism—it is going through here at a time when the ball of legislation is rolling rapidly, and there is the greatest danger if you are going along the present course, that this will receive no consideration at all. I say to you, my friends, if the people of the State of Maine, after you adopt this measure do not feel, I won't say as you do, because I don't think you have had any more opportunity to look it over than I have—if they do not feel you have done something wise for the State of Maine, I am not sanguine as to what the results will be in 1932.

I have nothing more to say. I could hardly say what I have said, but I did want to present to you this evidence, and it is evidence. If you were a jury and the question involved with everything left out was, "Shall we adopt this plan?", and you had the evidence before you which I have submitted here, unless somebody can controvert it—and if anyone can I hope he will because I have found no one yet who, at least, in talking with me, has controverted it—if that were the situation, what would you do if you were in the jury box? Would you say that you were sorry for the plaintiff and so you would give him something? Not if the interests of the State were at stake. That is what is at stake here. I am trying to impress upon you that that is what you are passing upon. You are passing upon something of utmost importance. The first part of this bill I do not know anything about. I have always been in favor of some kind of purchasing agency or agent. Before we blindly jump into water which may be over our head it would be well for us to be certain that we know how to swim or are protected by a life preserver.

Mr. WEATHERBEE: Mr. President, all along the highway of progress from time immemorial up to the present time you will find evidences of the poor, timid soul, the fellow with pessimistic vision, who is fearful of some great impending danger in proposed legis-

lation, and human progress has had to march over judgments and opinions, and the bodies, of just such persons. Away way back in the early history of America we find prominent men in the United States Senate, able men, who are proclaiming against the acquisition of that splendid, vast territory lying west of the Mississippi river, and those men were then asserting that it would make the country so large that it would be unwieldy, that men who were elected from the Pacific coast never could get to Washington in time to attend Congress, it would take them so long to get there; and they were as sorrowfully wrong as the distinguished Senator who has just spoken. He is one of those timid souls who foresee danger in progress and new ideas. No sooner had this survey come out then he found himself opposed to it. He made speeches in opposition to it, here, there and everywhere, and yet he asserts here and now that he knows nothing about the measure before the Senate. He admits he knows very little about the bill introduced. But he knew enough to satisfy his soul. He knew enough, in his timidity, to cause him to oppose it, as he did on every opportunity that he had to make a speech. He devotes a great deal of his argument upon the survey question as though that is the matter in issue here, and yet he knows better, he does that for the mere purpose of making an argument and endeavoring to seek some intelligent basis. What have we to do with the survey? It is not before us at the present time. And yet the gentleman, while he criticises the survey report and underestimates the ability of those who made it, blows hot and blows cold because he later finds it desirable to quote from something contained in that survey report that may favor his own ideas. So he has it bad in part and good in part. So far as it will agree with any motion he may entertain, it is good. So far as it does violence to his apprehensions he then calls it bad.

Now, as evidence of his timidity he starts out with a bug-a-bear. He warns us of a lost cause that he helped fight in this Legislature two years ago and that as a result of what the Legislature did at that time there was some reflection in the vote cast at the September elec-

tion. I don't think we are going to be frightened by any straw men placed up here in bug-a-boos that the gentleman may suggest to us. We will act intelligently and in accordance with our consciences and take our chances with the people of the State of Maine. That need not deter us one particle but I am surprised that the gentleman would drag that in here and offer it to an intelligent Senate as a reason why they should follow his suggestion and vote against the bill which is before us.

This survey was made by competent people who make a specialty of organization. They made a very careful survey of the State of Maine and they made their report and when that report was submitted to a committee consisting of some of the most brilliant minds in the State of Maine, men of long legislative experience and business experience men of both political parties, and as a result of their studying and their reflection they submitted a Code bill here which did not include all the suggestions found in the survey report but adopted such matters in the survey as they believed were for the best interests of the State of Maine. That bill was referred to a legislative committee and the matter remained inactive for a long while. The gentleman complains because something is being rushed through. For weeks and weeks and weeks the gentleman has had the original Code bill before him and has examined, I assume, nearly every article within that bill.

This committee of your Legislature made a very carefully study of the bill and determined that the bill as presented should not be adopted by the present Legislature; the program was too vast for adoption at one time and it decided to simply select such portions of it that might enable us to begin in a small way, and then subsequent legislatures, after experience in trying out the changes that might be made by this Legislature, could add to the structure as seems best and wise to them.

The gentleman is not taken by surprise in anything that has occurred here. Everything has been open and above-board. There have been no sharp practices, no attempt to prevent anyone from acquiring

any and all information as he desires. Now, it is suggested that perhaps there should be some reflection upon the committee and it also ought to detract from your opinion of this measure because an order asking for correspondence was tabled. Had the order been complied with it would have thrown upon this Legislature a vast amount of correspondence that would have been of no benefit. The gentleman did not desire that. He just desired that the committee might deliver to him copies of letters which he already had, copies of letters which were received owing to propagandā set forth by some department in the State of Maine, and those letters were solicited and sent on here and the gentleman had copies of them himself. He wasn't surprised, therefore, at all, notwithstanding the inference you might get from what he said. Certain propaganda put forth by a department of the State of Maine—and when I say that I say it advisedly, and I say too that I am sorry that a department of Maine should feel that it ought to do such a thing as that. I consider it reprehensible.

Now, the question before the Senate is whether this bill shall be amended so that there could be no consolidation or coordination of the departments of public health and welfare and the institutions. The gentleman refers to it as though the various departments were made into one. That is hardly correct. We set up a department of health and welfare, it is true, but in that department there are three bureaus, the bureau of health, the head of which shall be the director of health, and that department will function as a department of health. We have the bureau of social welfare, the head of which shall be the director of social welfare; the bureau of institutional service, the head of which shall be the director of institution service. Now, it is proposed that over these three departments there may be one administrative commissioner. Do you think for a moment that he is going to interfere to the extent the gentleman suggests with the workings of any of those departments, that they are going to be handicapped in their proper efforts for social welfare or for health? I do not so conceive it. I do not know

why there cannot be one head of those three departments who can take care of business matters, who may see that there will be no overlapping of efforts of two or more departments in the interests of economy and the interest of public service and better service to the State of Maine. Why this great apprehension on the part of the head of the Health Department of the State of Maine? Can it be that he objects to anyone being over him for any purposes whatsoever? I suppose that he is aware that the Governor and Council are still over him and have been over all of these departments and yet nobody has had the audacity to say that they have interfered with the efficient and proper management of the several departments. That is what you are going to have here, only you are going to have a competent man who will give his entire time to those departments and who will give better and more effective service than the Governor and Council possibly could. Is there anything dangerous in that? I cannot conceive of anything whatever.

The gentleman quotes certain doctors, certain professors. Doctors, like the rest of us, do not always agree. They differ. How often in courts of justice have we seen an array of expert medical witnesses on one side testifying to one fact, and upon the other side just as brilliant an array testifying to the opposite fact? How often do you find professors differing, as they always do? And the mere fact that he has received a letter or two as a result of this propaganda signifies nothing. Hundreds of letters have and can be obtained in just such a manner as that. That need not carry any conviction here, not in the slightest degree. So far as bureau or institutional service goes we are attempting to repeal the various unnecessary boards here and we hope that any matter under the control of the Department of Public Welfare will have trained persons who can render far more effective and valuable service to those institutions than can private individuals who have been selected, we will say, for some political purpose. Do you desire a continuation of such service as that rather than to have trained people from the Department of Public Welfare? That is in line with their

work. That is their science. That is their job. And yet the gentleman suggests that it is not wise. I take issue with him there. I think he is wrong on this whole proposition.

The Republican party did say in its platform at its last convention: "We renew the suggestion contained in the platform of 1928 that the satisfactory progress of our welfare and health work be still further improved by coordinating the various departments administering health, welfare, charitable, and corrective institutions and activities." That means coordination, and that is what we are doing here with one person at the head of various departments. They say further: "that there may be continued progress in efficiency and economy we believe this principle should be extended to other agencies of State government. We therefore endorse the action of the present administration in arranging for a Spelman Foundation Survey of the State Government without obligation upon or cost to its citizens."

The Democratic party in its platform adopted this plank: "Efficient State government at minimum cost is the ideal being striven for in many states. Maine presents the picture of inefficient government at high cost. It is obvious that only with both able officials and an efficient form of government may the ideal be realized. No officials, no matter how able, can produce efficient State government at minimum cost if there are an excessive number of State departments. Other states have recognized this fact. Yet no change is made. The present government has spoken in favor of this change; finally, near the end of two years in office, a survey has just been started. The Republican Legislature decisively defeated one effort at consolidation; there is no valid reason to expect approval of consolidation by another Republican Legislature. The actual record of the present Republican administration shows no accomplishment in this direction. It is hopeless to expect such reduction by any future Republican administration."

That is their prophecy, and how true their prophecy will be if the distinguished Senator from Sagadahoc (Senator Aldrich) may have his way here today. I do not think

they were thinking of him, but he is trying to carry into execution that which will show their prophecy is pretty well founded. We make professions but have no accomplishments whatsoever. Both political parties of the State standing for what we are doing here today, and the gentleman from Sagadahoc, (Senator Aldrich) is very apprehensive of some serious consequence resulting to the State of Maine and the welfare of the citizens thereof. I am somewhat astonished at that. He tells you the honorable Council unanimously voted against the Code bill. He does not tell you the important thing, that which actuated this decision on the part of the Council. That is highly important. We need not be alarmed at the vote taken for we do not know the reasons that actuated that vote. Was it a fear that possibly some of their powers would be taken away from them? If any such fear existed, it ought now to be fully allayed by the amendment offered which stated that this did not apply to the Executive Council at all. As I say, we are not interested in their vote. I believe that their vote was a result of some apprehension that some powers would be taken away from them, but the amendment should satisfy that body, and I believe it will. If you adopt the amendment which the gentleman from Sagadahoc, (Senator Aldrich) has offered, Amendment "B", you have broken your pledge to the people of the State of Maine, a pledge of the Republican party. You have destroyed the vast amount of what is good in this proposed bill. This is not a complicated matter and it is not a vast matter. It isn't too much for the State to take on at one time. It is a move of progress. It will spell economy and it will spell efficiency in the end, and I hope that the motion of the gentleman from Sagadahoc, Senator Aldrich, for the adoption of his amendment may fall, as it should.

Mr. SOUTHARD of Kennebec: Mr. President, I was one of those who voted for the request for information as to letters received by the sub-committee or the Committee on the Legislative Code, so-called, and I was also one of those who voted for a chance to go over the amendments as offered this

morning. I found, however, that I could satisfy myself as to the letters which the committee received and have done so, and I want to thank the Senator from Sagadahoc, (Senator Aldrich) for taking up enough time so I could catch up with the amendments offered. I now have them more or less under control. Legislative Document 20, if I may adopt the term, was an allopathic dose. Legislative Document 954 is somewhat homeopathic in its nature. I did, at the risk of disturbing domestic tranquility and the avoiding of social affairs, spend last in conjunction with the night before, on the bill. I find, much to my surprise, that the only statutes repealed in this act are Sections 8 to 113 of Chapter Two, which provisions are taken care of in Legislative Document 954. There are several matters in the last sections of 954 that are in a way revised, and we might say, so far as the Crop Pest Commission goes, are quite well eradicated, but I do feel with the co-ordination rather than any abolishment we are getting out of 954, that the Legislature of Maine can well afford to act favorably in regard to this document and I hope in the interests of that co-ordination and co-operation, no departure will be made and no exception will be made in Legislative Document 954, and we may pass the bill as amended at the present time.

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

Mr. SLOCUM of Cumberland: Mr. President, I would like to ask a question of the Senator from Penobscot (Senator Weatherbee) through the Chair.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, may ask a question of the Senator from Penobscot, Senator Weatherbee, and that Senator may answer if he desires.

Mr. SLOCUM: Mr. President, it seems that in Section 2, a Commissioner of Health and Welfare shall be appointed by the Governor with the advice and consent of the Council. If I am correctly informed, the Council is opposed to this Legislative Document 954. If this bill receives passage by this Legislature and no referendum is taken upon it, and it goes into effect 90 days after adjournment, it

would then be the duty of the Governor with the advice and consent of the Council to appoint a Commissioner of Health and Welfare. If they are opposed to that appointment, will it not then hold the matter in abeyance, at least during the subsequent terms of this present Executive and present Council? Possibly the Senator from Penobscot, Senator Weatherbee, can answer, how if the Council is opposed and the Chief Executive in favor, are we going to arrive at any reorganization?

Mr. WEATHERBEE: Mr. President, I will answer the question. I cannot conceive of the Council or any department of the State of Maine refusing to do its duty under the law. The law will require that appointment be made and the Council will only inquire into the competency of the person who has been suggested by the Chief Magistrate. No council of the State of Maine will refuse to do its duty.

Mr. BISSETT of Cumberland: Mr. President, I would like to ask through the Chair of the Senator from Penobscot, Senator Weatherbee—I do not quite understand if it is true that the Executive Council are opposed to this bill.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, may answer if he desires.

Mr. WEATHERBEE: Mr. President, I have the information given to me by the distinguished Senator from Sagadahoc, Senator Aldrich, in his speech.

The PRESIDENT: The question before the Senate is upon the motion of the Senator from Sagadahoc, Senator Aldrich, that Senate Amendment "B," introduced by him, be adopted, and a division has been requested.

A division of the Senate was had. Three having voted in the affirmative and twenty-two in the negative, the motion to adopt Senate Amendment "B" did not prevail.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the bill as amended by Senate Amendment "A" was given its second reading.

Mr. WHEELER of Oxford: Mr. President, may I inquire if Senate Amendment "A" has been adopted?

The PRESIDENT: The Chair will advise that it has.

Thereupon, the bill as amended

by Senate Amendment "A" was passed to be engrossed.

Sent down for concurrence.

Passed to Be Engrossed (Cont.)

An Act to protect cod and other ground fish in waters off the coast of Lincoln and Sagadahoc counties. (S. P. 589, L. D. 989)

An Act to regulate the sterilization of inmates of institutions. (S. P. 590, L. D. 992)

Resolve relating to rights of the states in the nomination and election of United States Senators. (S. P. 591, L. D. 993)

An act relative to the powers of the Commissioner of Inland Fisheries and Game. (S. P. 592, L. D. 990)

Resolve in favor of the town of Washburn. S. P. 594, L. D. 988)

Passed to Be Enacted

An Act relative to issuing licenses after violations of the Fish and Game Laws. (H. P. 97, L. D. 68)

An Act relating to Life Insurance policies. (H. P. 123, L. D. 50)

An Act relating to fly-fishing for salmon and shad in Kennebec river. (H. P. 668, L. D. 889)

An Act regulating employment of females. (H. P. 933, L. D. 410)

An Act relating to commitment to the hospitals by Municipal Officers. (H. P. 977, L. D. 498)

An Act relative to bounty on bobcat, loupervier and Canadian lynx. (H. P. 1359, L. D. 890)

An Act relative to transportation of deer beyond the limits of the State. (S. P. 79, L. D. 91)

An Act relating to regulation of loans by Trust Companies. (S. P. 353, L. D. 376)

An Act relating to procedure of Public Utilities Commission. (S. P. 426, L. D. 532)

An Act relating to time limit on notices in re hearings on licenses for wharves and fish weirs. (S. P. 428, L. D. 534)

On motion by Mr. Weeks of Somerset

Recessed until two o'clock this afternoon.

AFTER RECESS

The Senate was called to order by the President.

Orders of the Day

The President laid before the Senate, New Draft, An Act relat-