

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, December 7, 1933.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Pressey of Augusta.

Journal of the previous session read and approved.

The following bills and resolve were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Aeronautics and Radio Control

An act to improve the facilities of Maine Airports (H. P. No. 83) (Presented by Mr. Lebel of Brunswick)

(500 copies ordered printed)

Appropriations and Financial Affairs

Resolve appropriating money for Mothers' Aid (H. P. No. 87) (Presented by Miss Martin of Bangor)

Mercantile Affairs and Insurance

An act to enable domestic mutual fire insurance companies to obtain aid from the Federal Intermediate Credit Bank (H. P. No. 84) (Presented by Mr. Plummer of Portland)

(500 copies ordered printed)

Pensions

Resolve providing for a State pension for Artell A. Spear of Richmond (H. P. No. 85) (Presented by Mr. Hawkes of Richmond)

Public Utilities

An act relating to the use of highways by motor vehicles for hire (H. P. No. 86) (Presented by Mr. Chase of Baring by request)

(500 copies ordered printed)

Orders of the Day

(Recess)

Papers from the Senate disposed of in concurrence.

Communication from Department of Finance

(out of order)

State of Maine

Department of Finance

Augusta

December 7, 1933.

To the Honorable Members of the House of Representatives:

In compliance with the order of

December 4, 1933, I present herewith statement in detail of expenses of the members of the Governor's Council; statement of expenditures from the Contingent Fund in detail from January 1 to December 1, 1933; statement of expenses of the State of Maine Concert, which were paid from the Contingent Fund; statement of expenses of Visitors' Day, which were paid from the Contingent Fund, and statement in detail of telephone charges made by the Executive Department.

Respectfully submitted,

(Signed) WILLIAM A. RUNNELLS
State Controller.

Communication read and ordered placed on file.

The Clerk commenced reading the Controller's report when the following colloquy occurred:

Miss LAUGHLIN of Portland: Mr. Speaker, would it be in order to have this information printed? It seems to me it is of no value to the members of the House merely to have these figures read. In order to be of any value it should all be printed. I move that five hundred copies be printed.

The SPEAKER: The gentleman from Portland, Mr. Carleton, had some figures on the cost of printing. I see he is now absent from his seat, but as he expressed it to the Chair his opinion was that it would be inexpedient to have it printed.

Miss LAUGHLIN: Mr. Speaker, it is absolutely of no value unless it is printed.

The SPEAKER: The estimate of the printing department is that it would cost five hundred dollars to have this printed.

Mr. FERNALD of Winterport: Mr. Speaker, I suppose I have got to have a motion before the House before I can talk; but I would like to make the suggestion that, if the Clerk reads the statement, it will be printed in the Kennebec Journal as a part of the Record of the House which would obviate this expense of five hundred dollars for printing. In that way we could read it tomorrow morning, it would look quite legible and quite digestible as set up in the morning paper. In the meantime, if anybody wants to look it over today, it could be seen in the Clerk's office. I think the Clerk should be allowed to continue the reading of it. By adopting this method it will be seen in the morning paper and we will also save five

hundred dollars. I think the correct procedure would be to let the Clerk continue reading, because I do not believe that for the next few minutes we are going to do anything very important, until we go to lunch at twelve o'clock.

The SPEAKER: Having it printed in the paper would involve an expense of five hundred and thirty dollars. The reading of this report at this time does not mean anything to any of the members by reason of the way the information is arranged under headings. I do not see how any member can follow it by the reading.

Mr. CARLETON of Portland: Mr. Speaker—

The SPEAKER: There is a motion before the House, the motion of Miss Laughlin of Portland, that the matter be printed.

Mr. CARLETON: Mr. Speaker, does that mean printing it in the Legislative Record would save expense in printing?

The SPEAKER: The expense of printing in the Record would be just the same.

Miss LAUGHLIN: Mr. Speaker, it does not seem to be of much value unless it is before us. I think we are running up a big printing bill for the special session, but for this information to be of any use at all, it certainly must be in some form so that we can see it. It is of no use to talk about looking it over at the Clerk's desk where there are one hundred and fifty-one members to consult it before tomorrow morning. That would be an impossibility. As I have said to get any value from it, it should be printed in some way now that we have asked for the information. I do not care how it is done, but if there is no other way, I think it should be printed as a paper of the House.

The SPEAKER: The Controller, in complying with the order of the House has gone into great detail in this voluminous report. He has listed each telephone call and each small item of expense, even tips to waiters over in the hotel.

Mr. FLANDERS of Auburn: Mr. Speaker, could not this be mimeographed so it would not be so expensive? I do not see any objection to that. It would at least be readable and thus answer the purpose at a very small expense.

The SPEAKER: The Clerk estimates it could be mimeographed for approximately half the expense of printing it. The pending question

is the motion of the member from Portland, Miss Laughlin, that this information be printed.

Miss LAUGHLIN: Mr. Speaker, is there any other way? Would it be cheaper to mimeograph it? I do not care how it's done if we can only get the information where we can see it.

The SPEAKER: It occurs to the Chair that possibly if two or three of the members would take the time to sit down and go over this they might by eliminating and consolidating a lot of these small items, get the matter in such shape that it could be printed or mimeographed without so much of the detail being printed.

Miss LAUGHLIN: Mr. Speaker, the order calls for detail and I think it is up to the Controller to put it into proper shape.

Mr. LEBEL of Brunswick: Mr. Speaker and members of the House: I was just wondering if that could not be posted in some place so it could be visible. Five hundred dollars seems quite a little sum to spend for printing it.

Miss LAUGHLIN: Mr. Speaker, I move to lay this on the table until tomorrow morning when perhaps we will have found some way to get it in shape by mimeograph or otherwise, so that we can use it.

The SPEAKER: We have a session at three o'clock this afternoon and possibly we can take some action on it at that time. The Chair understands that the member from Portland (Miss Laughlin) withdraws her motion to print at this time and now moves that the matter lie on the table.

The motion prevailed.

Mr. Breen of Lewiston presented the following order, out of order, and moved its passage:

Ordered, the Senate concurring, that all bills coming before the several committees not constituting in their opinion an emergency be referred to the Eighty-seventh Legislature.

Mr. FARRIS of Augusta: Mr. Speaker, in view of the fact that Representative Breen is not going to speak on the order, I rise at this time to oppose the passage of the order for this reason: All of these bills have been referred to the various committees and advertised. People will probably be here next week to attend these committee hearings and in the event of the passage of this order they would have to be

notified on their arrival that the bills are referred to the next Legislature. I do not think it proper at this time to pass this order. The reference of these bills to the various committees puts it up to them to either refer them to the next Legislature, report them ought not to pass or ought to pass. Then we can do what we want to with these reports when they come before this House later. For that reason I am opposed to the passage of the order.

The SPEAKER: The Chair feels that after a bill has been referred to a committee, this body has no further control over it until it has been reported out by the committee, except to recall it from the committee. It also feels that to attempt to instruct the committees in this way would be entirely improper. Each bill must be handled on its own individual merits by the members of the House. Therefore, the Chair rules the order out of order, subject of course, to appeal if anybody cares to raise the point.

Mr. Farris of Augusta presented the following order, out of order, and moved its passage:

ORDERED, whereas the Eighty-sixth Legislature in regular session passed an act entitled an act providing flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency, said act being incorporated in Chapter 77 of the Private and Special Laws of 1933;

Whereas, the Governor and Council have been handling the revenues of the State derived both from direct taxation and from all indirect sources of whatever nature, and the Governor and Council were authorized under the provisions of said act to use such direct tax money and indirect receipts in accordance with their best judgment in such manner as would provide for the carrying on of all governmental functions, provided, however, that the Controller: shall show by proper record the special funds as constituted by law from which any such revenues are diverted;

Whereas the said act expires January 1, 1934, and the Governor in his address to the Eighty-sixth Legislature, in special session now assembled, recommended that the aforesaid act should be reenacted to

remain in effect until a revision of the tax system is effected;

Whereas the Governor and Council and the State Controller have failed to present to this special session of the Legislature proper record of the special funds as constituted by law from which such revenues have been diverted by the said Governor and Council:

Now, therefore, the Senate concurring, the State Controller is ordered to present to this Legislature forthwith a true statement of all moneys taken from appropriations made by the Eighty-sixth Legislature at its regular session, and also of all moneys diverted from the highway and institutional funds, and from all other sources, so that this Legislature may be in a position to know at this time whether it should be wise to extend the so-called Flexibility Act at this special session.

The order received passage and was sent up for concurrence.

Mr. Tompkins of Houlton presented the following order, out of order, and moved its passage:

ORDERED, that the Controller prepare a statement for the House of Representatives showing the different funds collected that are credited to general revenue of the State, also income credited to appropriations from departments and institutions, exclusive of highways, and expenditures from general revenue account from July 1, 1933 to December 1, 1933.

The order received passage.

Mr. Carleton of Portland presented the following order, out of order, and moved its passage:

ORDERED, that the use of the Hall of the House of Representatives be granted to the Appropriations and Financial Affairs committee for a hearing on Tuesday afternoon, December 12, 1933 at two o'clock.

The order received a passage.

On motion by Miss Laughlin of Portland it was voted to take from the table the report furnished to the House by the Controller tabled earlier in the day, the pending question being the motion by the same member that the matter be printed.

Miss LAUGHLIN: Mr. Speaker, I am assured by the State Printer that this report will be a part of the Record and will be printed as such and be in the hands of each

members. That being so, I will either withdraw my motion or indefinitely postpone it, or whatever the proper motion should be. I think with the consent of the House I will withdraw my motion about the printing of the report.

The SPEAKER: The Chair understands that the member from Portland, Miss Laughlin, asks permission of the House to withdraw her motion that this report be printed.

The motion prevailed.

On motion by Mr. Farris of Augusta, it was voted to take from the table the resolution tabled by that gentleman yesterday relating to salaries of the Justices of the Supreme and Superior Courts, and that gentleman yielded to the gentleman from Winterport, Mr. Fernald.

The SPEAKER: The Chair now recognizes the gentleman from Winterport, Mr. Fernald.

Mr. FERNALD: Mr. Speaker, I move that the matter be indefinitely postponed.

Mr. LEBEL of Brunswick: Mr. Speaker, I think there is a little misunderstanding. I asked the gentleman from Augusta, Mr. Farris, that it lie on the table for a day or so. Therefore, I will move that it be re-tabled and specially assigned for tomorrow morning.

The motion prevailed, and the matter was specially assigned for tomorrow morning, pending the motion of the gentleman from Winterport, Mr. Fernald, that the matter be indefinitely postponed.

Mr. CARLETON of Portland: Mr. Speaker, I understand that we are to meet at three o'clock this afternoon.

The SPEAKER: That is correct.

Mr. CARLETON: Mr. Speaker, would it be possible to meet at two o'clock? Two large committees and several members have a meeting at three o'clock that we would like to attend.

The SPEAKER: The only excuse for a session this afternoon is an exchange of papers between the two bodies so that bills may be printed. The Senate has arranged to meet at three o'clock, there being some bills in preparation which cannot be ready until that time.

On motion by Mr. Thomas of

Woodland, the House recessed until three p. m.

After Recess

The following bills were taken up out of order and under suspension of the rules, and upon recommendation of the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

An act providing flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency. (H. P. No. 89) (Presented by Mr. Piper of Bangor)

(500 copies ordered printed.)

An act relating to a retirement pension for Howard Wood of Patten. (H. P. No. 88) (Presented by Mr. Nevers of Patten)

Salaries and Fees

An act regarding the wages of employees on public works under State supervision. (H. P. No. 90) (Presented by Mr. Stern of Biddeford)

(500 copies ordered printed.)

Inland Fisheries and Game

An act relating to kindling of fires by non-residents. (H. P. No. 91) (Presented by Mr. Sterling of Caratunk)

(500 copies ordered printed.)

The Chair laid before the House the following five resolves which were recalled to the House from the committee by joint order:

Resolve in favor of the town of Winterport. (H. P. No. 3)

Resolve in favor of the town of Searsport. (H. P. No. 35)

Resolve in favor of the road leading from Carmel Corner to Young's Garage in Winterport. (H. P. No. 36)

Resolve in favor of the town of Frankfort. (H. P. No. 37)

Resolve in favor of the town of Prospect. (H. P. No. 38)

Mr. FERNALD of Winterport: Mr. Speaker, I ask the unanimous consent of the House to withdraw the five resolves, the titles of which have just been read.

There being no objection unanimous consent was given and the resolves were withdrawn.

Miss Laughlin of Portland presented the following order, out of order and moved its passage:

Ordered, that the communication

from the State Controller placed on file by the House this morning be taken from the files and referred to a committee of three, to be appointed by the Speaker, that committee to report a consolidation of the items essential for printing.

Miss LAUGHLIN: Mr. Speaker, it might be in order just to say a word on this topic. The present status of the matter now is leaving it to appear in the Record as reported, and, of course, with that even in the Record, it would be absurd. I do not think any member of this House is interested to know what each Councilor paid for a sandwich and whom he paid for it. What we are interested in is to get the totals for salaries, telephones and mileage for each Councilor. The cost of printing this would be very slight, probably not over twenty-five dollars at the outside.

Thereupon the order received passage, and the Chair appointed on the committee provided for in the order the member from Portland, Miss Laughlin, and Messrs. Fernald of Winterport and Carleton of Portland.

Mr. Fernald of Winterport presented the following order, out of order, and moved its passage:

Ordered, that the Clerk of the House be instructed to have placed daily on the desk of each member a copy of the Kennebec Journal during the present special session.

The order received passage.

Mr. Carleton of Portland presented the following order, out of order, and moved its passage:

Ordered, the Senate concurring, that the Controller be authorized to permit the subordinate officers and employees of the Legislature, on signed statement from the Secretary of the Senate and Clerk of the House as to their employment, an advance on their pay in an amount not to exceed twenty-five (\$25.00) dollars for any individual employee, said advances to be deducted from the final payroll for legislative employees.

The order received passage and was sent up for concurrence.

The SPEAKER: At the regular session of the Eighty-sixth Legislature there was an act passed, Chapter 254, relating to expenditures in

connection with the nomination of candidates for elective office. Section six of that act provided for a committee of five, two to be appointed by the President of the Senate and three by the Speaker of the House, to serve as a special committee to investigate the expenditures made and liabilities incurred by and on behalf of any candidate seeking nomination to elective office in the primary, and providing that that committee meet five days after the primary election and examine all returns of expenditures made under the provisions of Chapter seven of the Revised Statutes.

The President of the Senate has appointed on that committee the Senator from Aroostook, Senator Kitchen, and the Senator from Oxford, Senator Seavey. The Chair appoints as members on the part of the House, Messrs. Hill of South Portland, Plouff of Dexter and Smith of Vinalhaven.

On motion by Mr. Chase of Sebec,

Recessed until 4:30 P. M.

Recess

(5 P. M.)

Papers from the Senate, under suspension of the rules and out of order, disposed of in concurrence.

Mr. Gross of Lisbon Falls presented the following order, out of order, and moved its passage:

Ordered, that 500 copies of the resolution introduced in the House December 6th, inviting the Justices of the Supreme and Superior Court to donate a portion of their salaries to the State, be printed.

On motion by Mr. Farris of Augusta, tabled pending passage.

Mr. Ashby of Fort Fairfield presented the following order, out of order, and moved its passage:

Ordered, that the Secretary of State be directed to furnish each member and officer of the House of Representatives with a fountain pen.

On motion by Mr. Farris of Augusta, tabled pending passage.

On motion by Mr. Mason of Mechanic Falls,

Adjourned until ten o'clock tomorrow morning.