

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, January 4, 1933.

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators-elect to the Eighty-sixth Legislature convened in the Senate Chamber and were called to order by Royden V. Brown, Secretary of the Senate of the Eighty-fifth Legislature.

Prayer was offered by Rev. Wm. R. Wood of Augusta.

The following communication was read by the Secretary:

STATE OF MAINE

Office of the Secretary of State,
To Royden V. Brown, Secretary of
the Senate of the Eighty-fifth
Legislature:

In compliance with Section 36, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the Senators-elect to the Eighty-sixth Legislature, as appears by the report of the Governor and Council under date of September 28, 1932.

First Senatorial District—John E. Abbott of North Berwick, I. Harold Angell of Saco, Edwin I. Littlefield of Kennebunk.

Second Senatorial District—William Bissett of Portland, Andrew Jackson of Portland, Frank H. Robie of Westbrook, Harold F. Schnurle of Cape Elizabeth.

Third Senatorial District—Alton Bartlett of Hanover, Waldo N. Seavey of Lovell.

Fourth Senatorial District—Herbert E. Holmes of Lewiston, William E. Lawless of Auburn, Walter C. Winn of Lisbon.

Fifth Senatorial District—Currier C. Holman of Farmington.

Sixth Senatorial District—N. Gratz Jackson of Bath.

Seventh Senatorial District—Ralph B. Pillsbury of Benton, Charles S. Towle of Winthrop, Blaine S. Viles of Augusta.

Eighth Senatorial District—Blin W. Page of Skowhegan, Harold E. Weeks of Fairfield.

Ninth Senatorial District—William R. L. Hathaway of Milo.

Tenth Senatorial District—Orman B. Fernandez of Old Town, Artemus Weatherbee of Lincoln, Carl R. Weymouth of Newport.

Eleventh Senatorial District—Maude Clark Gay of Waldoboro.

Twelfth Senatorial District—Albert C. McLoon of Rockland.

Thirteenth Senatorial District—Ralph L. Cooper of Belfast.

Fourteenth Senatorial District—C. Carroll Blaisdell of Franklin, George Harmon of Bar Harbor.

Fifteenth Senatorial District—Harold H. Murchie of Calais, John A. McDonald of East Machias.

Sixteenth Senatorial District—Omar L. Farnsworth of Caribou, Herbert W. Kitchen of Presque Isle, Owen K. Story of Washburn.

In Testimony Whereof, I have caused the seal of the State to be herewith affixed at Augusta, this 4th day of January, A. D., 1933, of the Independence of the United States of America, the one hundred and fifty-seventh.

(Seal)

EDGAR C. SMITH,

Secretary of State.

Which was placed on file.

Roll Call

The roll being called the following Senators-elect responded to their names:

Abbott, Angell, Bartlett, Bissett, Blaisdell, Cooper, Farnsworth, Fernandez, Gay, Harmon, Hathaway, Holman, Holmes, Jackson of Cumberland, Jackson of Sagadahoc, Kitchen, Lawless, Littlefield, McDonald, McLoon, Murchie, Page, Pillsbury, Robie, Schnurle, Seavey, Storey, Towle, Weatherbee, Weymouth, Weeks, Winn.

A sufficient number of the Senators-elect answering to the roll-call the Secretary declared that a quorum was present.

On motion by Mrs. Gay of Lincoln.

That Senator-elect was charged with a message to the Governor and Council informing them that a quorum of the Senators-elect to the Eighty-sixth Legislature was present in the Senate Chamber ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently that Senator reported that she had delivered the message with which she was charged and the Governor was pleased to reply that he will attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

Senators Take Oath

Thereupon the Governor, the Honorable Wm. Tudor Gardiner, attended by the Executive Council came in before whom the Senators-elect took and subscribed the oaths of office required by the Constitution.

The Governor and Council then withdrew.

On motion by Mr. Page of Somerset.

Senators Page of Somerset, Kitchen of Aroostook and McDonald of Washington were appointed a Committee to receive, sort and count ballots for President of the Senate.

Having attended to this duty for the Committee reported as follows:

Whole number of ballots cast 30.

Necessary for a choice 13.

Senator Murchie had 24.

Senator Holmes had 6 (applause)

Which report was read and accepted and the Secretary declared the Honorable Harold H. Murchie duly elected President of the Senate of the Eighty-sixth Legislature.

Mr. Murchie was escorted to the chair by Mr. Holmes of Androscoggin, and thereupon addressed the Senate as follows:

The PRESIDENT: Members of the Senate, mere words are inadequate to express my appreciation of the honor you have conferred upon me by selecting me to preside over your deliberations. I can only express the hope that by the most strict attention to the duties of the office, and the exercise of the utmost fairness of which I am capable, some slight measure of that appreciation may be made apparent to you as our session progresses.

We meet in times that are abnormally unfortunate. The long record of history has prepared us for recurring periods of prosperity and of adversity but now, after a period of distress both more severe and more prolonged than has ever heretofore been known, we continue to wallow in the trough of the sea of that distress without apparent progress.

Political history and experience teach us that majority parties uniformly claim as their own, without reference to the existence or willing participation of a minority, the credit for current favorable business conditions. Equally however, do that history and experience show

that when unfavorable conditions prevail minority parties invariably charge full responsibility therefor upon the majority, without reference to any participating share therein on their own part.

We meet today with a truly bipartisan government. Our Chief Executive is to be of one political faith—our legislative majority is of another. Political practices of the past forecast a competitive partisan control of our concurrent governmental functions which, if permitted, will stifle the best efforts of both parties for the promotion of the common weal. Let us not permit such a situation to develop.

The occasion insistently demands that we give our best of thought and of effort here, not as partisans—but as citizens; as legislators moved by a consuming zeal to improve, in so far as improvement by legislation is possible, the welfare of our State and of our people. A real spirit of co-operation will go far to bring such an accomplishment within the realm of possibility, and to secure it our legislative majority, it seems to me, is charged in the first instance with the responsibility of showing its spirit and intent.

May I assume to say on behalf of the Republican majority of this Legislature—or at least of this Senate—to him who will tomorrow become our Chief Executive, that we shall do our full part, so far as in us lies, to meet fairly and squarely the situation which the voters have created; to recognize that we have, not a full mandate, but one which we hold in common with him; and to proceed upon our labors, not independently, but with a full appreciation—and recognition—of his concurrent rights.

Under our Constitution the Governor is granted the right, and is charged with the duty, of giving to the Legislature information as to the condition of the State and of recommending for enactment such legislation as he may deem expedient. Let those of us who make up the legislative majority be prepared to co-operate wholeheartedly with our Governor-elect and with the members of the minority; to gratefully receive such information as he may furnish; and to graciously and harmoniously work with him and with them to put into effect such recommendations as he may make which seem properly designed to operate for the public good.

I hope that it will not be con-

sidered out of place for me to say at this time that there is a feeling within the party which here has the legislative majority, that the joint mandate which we hold with the party in executive control is a mandate for rigid economy.

It is well known to all of us that the indirect income of the State during the coming biennium will fall far below the figures of recent years and that, with declining property values, even the direct income, at a uniform rate of taxation, will be materially lessened. Equally do we know that in the field of welfare and relief work there may be an actual increase in our essential expenditures. Clearly, our duty as legislators is to provide such curtailment in the activity of the State as will, first, offset declining revenues and completely balance and adjust our budget to new conditions, and, second, if within the realm of reason and possibility, effectuate such further savings as may make possible a somewhat lessened rate of direct taxation.

Let us make co-operative effort, rather than partisan assertiveness, the rule and guide of our conduct to the end that a lessened expenditure may give the maximum of tax relief and serve to advance the prospects of an early return to normal and prosperous times.

The Chair awaits the pleasure of the Senate.

On motion of Mr. Weeks of Somerset,

Senators Weeks of Somerset, Blaisdell of Hancock, McDonald of Washington were appointed a committee to receive, sort and count ballots for Secretary of the Senate.

Having attended to this duty, Mr. Weeks for the committee reported as follows:

Whole number of ballots cast 30.

Necessary for a choice 16.

Royden V. Brown had 30, which report was read and accepted and Royden V. Brown, of Bingham, having received a majority of all the votes cast, was declared duly elected Secretary of the Senate of the Eighty-sixth Legislature.

At the request of the President, Mr. Weeks of Somerset escorted the Secretary-elect to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

Subsequently Mr. Weeks reported to the Senate that he had attended to the duty assigned him and that Royden V. Brown had, before the Governor and Council, taken and subscribed the oaths of office required to qualify him for the discharge of the duties of the Secretary of the Senate.

ROYDEN V. BROWN,
Secretary of the Senate of
the Eighty-fifth Legislature.

On motion by Mr. Littlefield of York,

Senators Littlefield of York, Jackson of Sagadahoc, and Lawless of Androscoggin were appointed a committee to receive, sort and count ballots for Assistant Secretary of the Senate.

On motion by Mr. Littlefield of York the Secretary was instructed to cast one ballot for the Senate in favor of Chester T. Winslow as Assistant Secretary.

This was done and Chester T. Winslow of Raymond was declared duly elected Assistant Secretary of the Senate for the political years 1933 and 1934.

Mr. Winslow subsequently appeared before George W. Leadbetter, Esq., authorized Dedimus Protestatem, and took and subscribed the oaths of office.

On motion by Mr. Farnsworth of Aroostook,

Senators Farnsworth of Aroostook, Angell of York, and Winn of Androscoggin were appointed a committee to receive, sort and count ballots for Messenger of the Senate.

On motion by Mr. Farnsworth of Aroostook the Secretary was instructed to cast one ballot for the Senate in favor of Mellon H. Tryon as Messenger of the Senate.

This was done and Mellon H. Tryon of Pownal was declared duly elected Messenger of the Senate for the political years 1933 and 1934.

On motion by Mr. Jackson, of Cumberland the Secretary of the Senate cast the ballot of the Senate for Louis R. Fowler, for Assistant Messenger; John K. Forhan, for Postmaster; Waldo H. Clark, for Doorkeeper; Roy S. Humphrey, for Page; Malcolm Clark, for Page.

On motion by Mr. Towle, of Kennebec, the same Senator was charg-

ed with a message to the House of Representatives informing that body that the Senate had organized by the choice of the Honorable Harold H. Murchie as President, Royden V. Brown as Secretary, and Chester T. Winslow as Assistant Secretary.

That Senator retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Weymouth, of Penobscot the same Senator was charged with a message to the Governor and Council informing them that the Senate had organized by the choice of the Honorable Harold H. Murchie as President, Royden V. Brown as Secretary, and Chester T. Winslow as Assistant Secretary.

That Senator retired to the Council Chamber and subsequently reported that he had delivered the message with which he was charged.

Communication from the Department of State

Transmitting the Senatorial Vote.

Which was read, and on motion by Mr. Farnsworth of Aroostook was referred to the committee on Senatorial Vote.

On motion by Mr. Pillsbury, of Kennebec, it was

Ordered, that the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to affiliate as Chaplains of the Senate.

On motion by Mr. Bartlett of Oxford, it was

Ordered, that the State Librarian be directed to provide each officer and member of the Senate with a copy of the Acts and Resolves of the Eighty-fifth Legislature.

On motion by Mr. Farnsworth of Aroostook, it was

Ordered, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years 1933 and 1934 shall be referred for examination and report.

The President appointed

Senators

FARNSWORTH of Aroostook
JACKSON of Cumberland
STORY of Aroostook
BLAISDELL of Hancock
GAY of Lincoln
JACKSON, G., of Sagadahoc
SEAVEY of Oxford.

On motion by Mr. Lawless of Androscoggin, it was

Ordered, that the Official Reporter of the Senate be authorized to procure the services of a typewriting operator during the present session at an expense not exceeding \$400; also an assistant reporter at an expense not exceeding \$700; for the preparation and completion of the Legislative Record.

On motion by Mr. Fernandez of Penobscot, it was

Ordered, that the Secretary of the Senate be authorized to secure the services of three stenographers for the present session; one for the office of the President and two for the office of the Secretary.

On motion by Mr. McLoon of Knox, it was

Ordered, that the Secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mrs. Gay of Lincoln, it was

Ordered, that the Secretary of the Senate purchase such stationery, office supplies and equipment as may be needed to carry on the business of the Senate.

On motion by Mr. Kitchen of Aroostook, it was

Ordered, that the rules and orders of the Senate of the Eighty-fifth Legislature be the rules and orders of this Senate.

On motion by Mr. Cooper of Waldo, it was

Ordered, that the Secretary of State be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International Dictionary, the Standard Dictionary, Bouvier's Dictionary and Reed's Parliamentary Rules.

On motion by Mr. Weatherbee of Penobscot, it was

Ordered, the House concurring, (Senate Paper No. 5) that the returns of votes for Governor, given in the several cities, towns and plantations of the State for the political years 1933 and 1934 be referred to a joint select committee of seven on the part of the Senate with such as the House may join.

Sent down for concurrence.

The President appointed as Senate members of this Committee, Senators

Weatherbee of Penobscot
Weeks of Somerset
Littlefield of York
Towle of Kennebec
McLoon of Knox
Holmes of Androscoggin
Cooper of Waldo.

On motion by Mr. Bissett of Cumberland, it was

Ordered, that Charles P. Lyford of Augusta be appointed Official Reporter of the Senate with the same compensation as paid at the last regular session of the Legislature.

At this point a message was received from the House of Representatives, informing the Senate that that branch had organized by the choice of Hon. Franz U. Burkett as Speaker, Harvey R. Pease as Clerk, and Earl Wing as Assistant Clerk.

On motion by Mr. Weeks of Somerset, it was

Ordered, the House concurring, that the Secretary of State be authorized to furnish wrappers and postage stamps for each member of the Senate and House not exceeding five dollars (\$5.00) in amount each, for the purpose of distributing the various reports of the departments of State and other public documents such as they may desire to mail to the citizens of the State.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset, it was

Ordered, that the Superintendent of Buildings be directed to purchase for the Senate Reporter a typewriter for the preparation and completion of the legislative record, both during the session and after, and charge the same to legislative expense.

On motion by Mr. Weymouth of Penobscot, it was

Ordered, the House concurring, (Senate Paper No. 4) that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Register and that 4000 copies be printed for the use of the Legislature.

Sent down for concurrence.

On motion by Mr. Towle of Kennebec, it was

Ordered, that the Senate hold one session a day commencing at ten o'clock in the forenoon until otherwise ordered.

On motion by Mr. Story of Aroostook, it was

Ordered, the House concurring, (Senate Paper No. 6) that the Joint Rules and Orders of the Eighty-fifth Legislature be the Joint Rules and Orders of this Legislature.

Sent down for concurrence.

On motion by Mr. Bissett of Cumberland, it was

Ordered, the House concurring, (Senate Paper No. 7) that all matters pertaining to printing, binding, advertising, committee record binders and paper supplies be referred to the Superintendent of Public Printing who shall direct the handling of such matters.

Sent down for concurrence.

On motion by Mrs. Gay of Lincoln, it was

Ordered, the House concurring, (Senate Paper No. 8) that free telephone service be provided for each member of the Senate and House to the number of twenty-five (25) calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member of the Senate and House be provided with a card to be certified to by the Secretary of State or his deputy; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

Sent down for concurrence.

On motion by Mr. Page of Somerset, it was

Ordered, the House concurring, (Senate Paper No. 9) that no bill or resolve be received by this legislature after four o'clock in the afternoon on Tuesday, Feb. 7, 1933, except by unanimous consent in the body in which it is introduced, and further

Ordered, that any bill or resolve which shall be received in either body of this legislature by unanimous consent on or after four o'clock in the afternoon on Feb. 7, 1933, shall be referred to the Eighty-seventh Legislature if unanimous consent for its reception is not given in the other body in concurrence.

These orders shall not apply to

bills reported by any joint standing or joint select committee in the regular course of business nor to such bills and resolves as are intended only to facilitate the business of the Eighty-sixth Legislature.

Sent down for concurrence.

On motion by Mr. Littlefield of York, it was

Ordered, the House concurring, (Senate Paper No. 10) that no bill for private or special legislation be received by this legislature after four o'clock in the afternoon on Tuesday, Jan. 31, except by unanimous consent in the body in which it is introduced and further

Ordered, that any bill for private or special legislation which shall be received in either body of this legislature by unanimous consent after four o'clock in the afternoon on Tuesday Jan. 31, shall be referred to the Eighty-seventh Legislature if unanimous consent for its reception is not given in the other body in concurrence, and further

Ordered, that the Secretary of the Senate cause a copy of the above orders to be published in all the daily and weekly papers of the state commencing Jan. 9, 1933 and continuing up to and including Jan. 31, 1933.

On motion by Mr. Weatherbee of Penobscot, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature to be held forthwith in the Hall of the House for the purpose of inviting the Governor the Honorable William Tudor Gardiner, to attend the convention and present a farewell address.

The Secretary delivered the message.

Subsequently a message was received from the House of Representatives, by Mr. Pease its clerk, announcing that that branch concurred in the proposition of the Senate for a joint convention for the purpose of inviting the Governor, the Honorable William Tudor Gardiner, to attend the convention and present a farewell address.

Thereupon the Senate retired to the Hall of the House of Representatives where a joint convention was formed.

(For Joint Convention see House Report.)

In The Senate

The Senate was called to order by the President.

On motion by Mr. Schnurle of Cumberland the Senate took a recess until two o'clock P. M.

After Recess

Senate called to order by the President.

The PRESIDENT: This morning the Senate recessed until two o'clock this afternoon. We find, however, that according to our statutes the Presidential electors are supposed to meet in this room at two o'clock. The Secretary will read the statute.

The Secretary read the statute.

The PRESIDENT: With this explanation and in order that we may not impede the presidential elections, a motion that we take a short recess will be in order.

Thereupon, on motion by Mr. Kitchen of Aroostook, the Senate recessed until the call of the gavel.

After Recess

Senate called to order by the President.

On motion by Mr. Littlefield of York

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature forthwith in the Hall of the House for the purpose of electing a Secretary of State, Treasurer of State, Attorney General, Commissioner of Agriculture, State Auditor and seven Executive Councillors.

Which was read and passed and the Secretary delivered the message.

Subsequently a message was received from the House of Representatives by Mr. Pease, its Clerk, announcing that that branch concurred in the proposition of the Senate for a joint convention for the purpose of electing Secretary of State, Treasurer of State, Attorney General, Commissioner of Agriculture, State Auditor and seven Executive Councillors.

Thereupon the Senate retired to the Hall of the House of Represent-

tatives, where a joint convention was formed.

(For Joint Convention see House Report).

In The Senate

Senate called to order by the President.

The PRESIDENT: It has been called to our attention by the Reporter that whereas the Senate passed an order this morning directing the Superintendent of Buildings to purchase a typewriter for his use, there is no occasion for this purchase as the typewriter supply at present is adequate.

Thereupon, on motion by Mr. Weeks of Somerset, the Senate voted to reconsider its action whereby this order was passed; and that Senator was granted unanimous consent to withdraw the order.

The PRESIDENT: By Senate order passed this morning it was ordered that the Senate hold one session a day commencing at ten o'clock in the forenoon until otherwise ordered.

Thereupon, on motion by Mr. Robie of Cumberland,

Adjourned, until tomorrow morning at ten o'clock.