

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSE

Thursday, January 2, 1941.

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

Prayer by the Rev. Joseph O. Purdue of Bath.

Journal of the previous session read and approved.

From the Senate: The following Report (S. P. 22)

STATE OF MAINE

The joint select committee of the Ninetieth Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State for the political years 1941 and 1942, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 255,047; and that Sumner Sewall of Bath, had 162,719 votes; and that Fulton J. Redman of Bar Harbor, had 92,003 votes; and that Helen Knudsen of Gray, had 325 votes.

(Signed) GAIL LAUGHLIN

Chairman on part of Senate.

ELBERT L. STARRETT

Chairman on part of House.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: The following Order: (S. P. 21)

ORDERED, the House concurring, that a committee on the part of the Senate with such as the House may join, be appointed to wait upon the Honorable Sumner Sewall and inform him that he has been duly elected Governor of the State of Maine for the current political years of 1941 and 1942.

Came from the Senate, read and passed, with the following members appointed on its part:

Messrs. Dow of Oxford

Harvey of York

Hildreth of Cumberland

In the House, read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Messrs. Grua of Livermore Falls

Winter of Kingfield

Forhan of Canton

Phair

of Caswell Plantation

Belanger of Winslow

Gowell of South Portland

Lambert of Lewiston

The following Communication:
(H. P. 1)

January 1, 1941.

To the Honorable Senate and House of Representatives of the Ninetieth Legislature:

Gentlemen:

In accordance with the legislative order of the Eighty-ninth Legislature dated October 22, 1940, I am herewith submitting a report of an investigation of the Bureau of Health of the Department of Health and Welfare relating to pollution conditions of the Androscoggin River waters.

Respectfully submitted

(Signed)

ROSCOE L. MITCHELL, M. D.

Director of Health

JOEL EARNEST

Commissioner of Health and Welfare

The communication was read and ordered placed on file and sent up for concurrence.

The following Communication:
(H. P. 2)

STATE OF MAINE

DEPARTMENT OF HEALTH AND WELFARE BUREAU OF HEALTH

AUGUSTA

January 1, 1941 .

The Honorable Senate and House of Representatives:

Gentlemen:

In further compliance with Legislative Order dated October 22, 1940, requesting the Bureau of Health in the State Department of Health and Welfare, in conjunction with the Public Utilities Commission, to report to the Ninetieth Legislature recommendations for remedial legislation, steps are being taken toward the recommendation of such legislation at a later date.

Respectfully,

(Signed)

ROSCOE L. MITCHELL, M. D.

Director

JOEL EARNEST

Commissioner of Health and Welfare

The communication was read and ordered placed on file and sent up for concurrence.

From the Senate: The following Communication: (S. P. 25)

STATE OF MAINE
EXECUTIVE CHAMBER

Augusta, Maine
January 1, 1941

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years, 1939 and 1940, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

(Signed) LEWIS O. BARROWS
Governor.

Came from the Senate, read and ordered placed on file.

In the House, the communication was received, out of order and under suspension of the rules, read and ordered placed on file in concurrence.

The following Communication:

STATE OF MAINE
SENATE CHAMBER

Augusta
January 2, 1941

To the Honorable Harvey R. Pease Clerk of the House.

Sir:

In compliance with Rule 3 of the Joint Rules of the Senate and House, I herewith transmit to you the names of the members of the Senate appointed by the President as members of the Joint Select Committee on Gubernatorial Vote, as created by Senate Paper No. 8.

Senators: Laughlin of Cumberland
Snow of Piscataquis
Fellows of Kennebec
Townsend of Penobscot
Dow of Franklin
Harkins of Androscoggin
Dorr of Oxford

Respectfully,

(Signed) ROYDEN V. BROWN
Secretary of the Senate.

The communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
SENATE CHAMBER

Augusta
January 2, 1941

To the Honorable Harvey R. Pease Clerk of the House.

Sir:

In compliance with Rule 3 of the Joint Rules of the House and Senate, I herewith transmit to you the names of the members of the Senate appointed by the President as members of the Joint Select Committee on University of Maine, as created by Senate Paper No. 16.

Senators: Chase of Washington
Chamberlain of Penobscot
Emery of Hancock

Respectfully,

(Signed) ROYDEN V. BROWN

Secretary of the Senate.

The communication was read and ordered placed on file.

At this point Mr. Grua, for the committee to notify the Governor-elect that he has been duly elected Governor for the current political years, reported that the committee had attended to its duty, and the committee was discharged with the thanks of the House.

A message was then received from the Senate, through its Secretary, proposing a Joint Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives for the purpose of administering to the Honorable Councilors-elect the oaths required by the Constitution to permit them to enter upon the discharge of their official duties, and for the further purpose of administering to the honorable Governor-elect the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

On motion by Mr. Payson of Portland, the Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the proposal for a Joint Convention.

The Clerk subsequently reported that he had delivered the message with which he was charged.

The Senate then entered the hall and a Joint Convention was formed.

IN CONVENTION

The President of the Senate in the Chair.

Prayer was offered by the Rev. Joseph O. Purdue of Bath.

On motion by Senator Sanborn of Cumberland, it was

ORDERED, that the Rules be suspended by unanimous consent, and that a message be sent to the Councilors-elect informing them that the two branches of the Legislature are in convention assembled ready to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

The Chairman appointed as such committee Senator Sanborn of Cumberland.

Subsequently that Senator reported that he had performed the duty assigned him and that the Councilors-elect would attend forthwith.

Thereupon, the Cocouncilors-elect, the Honorables George J. Wentworth, Arthur G. Spear, Louis E. Flanders, G. Cony Weston, Thomas R. McPhail, Frank A. Thatcher, and Edgar W. Russ came in, and in the presence of both branches of the Legislature, in convention assembled, before the President of the Senate, the Honorable Nathaniel Tompkins, took and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

Thereupon, the Councilors withdrew, amid the applause of the Convention.

On motion by Senator Bate of Kennebec, it was

ORDERED, that a committee of ten be appointed to wait upon the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court and the Justices of the Superior Court of this State, inviting them to attend this Convention convened for the purpose of administering to the Honorable Sumner Sewall, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chairman appointed as such committee:

Senators: Bate of Kennebec
Libby of Cumberland
Morse of Waldo

Representatives:

Hinckley of South Portland
Williams of Bethel
Briggs of Hampden
Shesong of Portland
Donahue of Biddeford
Dwinal of Camden

Senator Bate, for the committee, subsequently reported that the committee had attended to the duty assigned it, and that the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court, and the Justices of the Superior Court, were pleased to say that they would forthwith attend this Convention.

Thereupon, at the request of the Chairman, the committee escorted the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court and the Justices of the Superior Court to the Convention Hall.

On motion by Senator Laughlin of Cumberland, it was

ORDERED, that a committee be appointed to wait upon the Honorable Sumner Sewall, Governor-elect, and inform him that the two branches of the Legislature are in convention assembled, ready to administer to him the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties, and receive from him such communication as he may be pleased to make.

The Chairman appointed as such committee:

Senators: Laughlin of Cumberland
Elliot of Knox
Hinman of Somerset

Representatives:

Murchie of Calais
Downs of Rome
Clough of Bangor
Race of Boothbay
Bragdon of Perham
Labbe of Fort Kent

Senator Laughlin, for the committee, subsequently reported that the committee had discharged the duty assigned it, and the Governor-elect was pleased to say that he was ready to take and subscribe the necessary oaths of office and would forthwith attend the Convention.

Thereupon, the Honorable Sumner Sewall, Governor-elect, attended by the Executive Council, Heads of Departments, Ex-Governor Honorable Percival P. Baxter, Ex-Governor Honorable William T. Gardiner, and Ex-Governor Honorable Louis J.

Brann, entered the hall of the House, and before the presiding officer of the Senate, the Honorable Nathaniel Tompkins, in the presence of both branches of the Legislature and the Justices of the Supreme Judicial Court, and the Justices of the Superior Court of this State, took and subscribed the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Secretary of State, the Honorable Frederick Robie, then made proclamation as follows:

PROCLAMATION

The votes given in on the ninth day of September last, in the cities, towns and plantations of the State for Governor, the returns of which have been made to the office of the Secretary of State, having been examined and counted by the Legislature which has declared that a plurality thereof was given to Sumner Sewall, and that he is duly elected, and he, having in the presence of the two branches of the Legislature in Convention assembled, taken and subscribed the oaths required by the Constitution to qualify him to discharge the duties of that office, I, therefore, declare and make known to all persons in this State who are in the exercise of any public trust, as well as all good citizens thereof, that Sumner Sewall is Governor and Commander-in-Chief of the State of Maine, and that due obedience should be rendered to all his acts and commands as such.

GOD SAVE THE STATE OF MAINE

Thereupon, the Chairman of the Convention presented Governor Sewall to the Convention, the audience rising and applauding.

The Governor addressed the Convention as follows:

Mr. President and Members of the 90th Legislature:

The people of Maine have placed in you and in me their confidence and their hope for a responsive, efficient, and honest state government during the next two years. I am sure that we are all keenly aware of the responsibility that this confidence entails.

In order to justify and maintain it, we must recognize openly, face squarely and solve satisfactorily the problems which have been entrusted to us. The people of our State ex-

pect of you and of me a candid statement of each problem as we see it, together with an honest, reasonable and understandable answer. If we work steadfastly toward this objective, I am confident that the people will support our actions.

Economy

There is one thought paramount today in the minds of the people of Maine. That thought is economy. I do not believe that our citizens regard economy as necessarily meaning a reduction of total expenditures. They recognize that they have demanded new and expanded governmental services, for which they are willing to pay. At the same time, I believe that they very properly expect to receive a full dollar's worth of governmental service for every governmental dollar spent. In the last analysis, wise economy means intelligent spending.

I fully appreciate the responsibilities which are mine in administering with economy. Knowing most of you individually, as I do, through my service in both this House and the Senate, I am sure that you will carry out your legislative responsibilities to this end. By such cooperation at our respective tasks, real economy can be achieved.

For my part, I recognize that my administration must live within the appropriations which you may, in your wisdom, make available.

For your part, I ask that you appropriate sufficient funds with which my administration reasonably may be expected to meet the needs of our people.

In any event, there will be no overdraft in this administration. (Applause). If it later appears that our needs cannot be met by appropriations made at this session, I shall call you in special session to give further consideration to the problems as they then may exist. To expend funds without appropriation is to usurp the power to tax, which the Constitution has vested solely in you, and there I intend it shall remain.

During recent years, the human and economic needs of our people have demanded increasing attention. In cooperation with the Federal government, we have undertaken vast new projects in addition to the long established normal functions of State government. The structure which we have built to

meet these emergencies now merits careful re-examination.

Old Age Assistance

In our democratic form of government, we must be sure that our laws are truly democratic. Governmental aid for one citizen must be available to all who suffer an equal need.

I therefore commend to your particular attention our present old age assistance program. From the beginning, we have recognized in law the obligation to provide for our needy aged, but we have failed to implement our law with appropriations sufficient for just administration. To be true, this problem will tend to diminish as the Federal old age insurance program expands, but until the Federal pension becomes sufficient to alleviate human distress among our aged, it is clearly the duty of the State, in cooperation with the Federal Government, to see to it that no needy aged person suffers.

In our zeal to provide adequately for the needy aged, let us not overlook our equal obligation to prepare our young people for happy, efficient and useful lives. We must remember that upon our youth will rest the obligation of keeping democracy alive. Our government must therefore be a vital and inspiring force in their lives and be moulded to serve their needs, if they are to be willing to fight to preserve it.

Vocational Education

Our system of education must advance in step with the demands of a changing society and economy. The reawakened national need for skilled workers makes it important that we place more emphasis on vocational training, through which our young people can develop the natural aptitudes which have made Maine famous as a reservoir of skilled and able workers. We should encourage and help our youth to re-discover the happiness, dignity and reward of working with the hands.

By practical recognition of present economic demands, we will prepare our young people to meet adequately the social demands of the future. By vocational training they will better meet the tasks of their productive years and provide for well merited security in later years.

Labor

Between these two groups,—the old and the young, are the workers who must produce the wealth to support all these governmental services. Certainly the welfare of this great group in the middle is our most vital concern. For Maine to go forward, our workers must have the opportunity to make a reasonable living under satisfactory conditions.

To this end we have undertaken unemployment insurance, the re-employment services, workmen's compensation and industrial safety programs. Both legislative and administrative efforts will be required of us during this session to perfect such undertakings.

These, it seems to me, are the outstanding human needs which must be recognized if our government is to be truly responsive.

Normal Functions of Government

We must also take care that our normal governmental services continue to respond properly to the needs which they were created to serve. The conservation, development and use of our natural resources have long been major responsibilities of our state government. The well-being of our fishermen, our farmers, our workers, our industries, and our commerce depend in large measure on the intelligent administration of these services, in accordance with wise provisions of law. The prudent investment of public funds in these resources is sound and profitable.

I commend to your consideration a continuing development of the wealth of our marine and inland fisheries and game which provide a living for so many thousands of our citizens and are instrumental in attracting so many other thousands to our State. The conservation of our forests and our soil so that they may be of the fullest economic use to us and to our children requires broad and intelligent study.

The vital importance of a safe and adequate highway system demands your attention to the problems of planning, financing, constructing and maintaining a system which will meet the needs of our citizens and prove inviting to our visitors.

These, as I see it, are the major problems which we must solve satisfactorily if Maine is to fulfill her obligation in our united struggle to achieve national well-being.

National Defense

The extraordinary problems presented by a war-inflamed world demand also that we do our part in the national effort for defense.

Through emergency legislation and appropriations we have already started important works. In close cooperation with the Federal Government, our airport program and other developments serving the immediate needs of defense should be carried through to completion at the earliest possible moment. Provision for replacing in some measure the National Guard units called to Federal service will demand your earnest consideration. This fast-changing pattern of national defense needs will undoubtedly require that I supplement these thoughts in later messages to you. Whatever emergency may arise, I am sure that Maine will play her traditional role of doing her share and more for the national security.

Efficiency in Government

The increasing burden on our taxpayers, created by these many governmental services, now makes efficiency in government more important than ever. We must be persistently alert that no part of the taxpayer's dollar be unnecessarily diverted from the true purpose for which it was paid. We must keep ever in mind that these dollars have come to the State through the toil and sacrifice of the people of Maine.

There are certain long-standing situations in our State government which I believe you should consider changing in the interest of efficiency.

Inordinately low salaries, whether paid to department heads or other State employees, breed inefficiency in government just as in private enterprise. I commend to your consideration the thought that certain salary increases and pay adjustments, judiciously distributed, will prove an economy in the long run.

A clearer separation of the State Personnel Board from the Governor and Council would lead to increased efficiency. The detailed administration of the State personnel law should be made, in fact as well as in theory, independent of the pleasure of the Governor and Council. Amendment of the personnel law so as to attract into State service each year a limited

number of the graduating classes of our Maine colleges might well deserve your study.

By constitutional and statutory provision, the Attorney General, the Secretary of State, the Treasurer of State, the Commissioner of Agriculture, and the State Auditor are elected by the Legislature. It is entirely right that the State Auditor be so elected, as it is his duty to audit and report to you the accuracy, legality and propriety of administrative expenditures.

The others, however, like all other department heads, seem more logically now to come within the province of the Governor, since he must rely on them for advice and assistance in carrying out his policies, and since he is, in the final analysis, held accountable for their administrative actions. For these reasons, I suggest that you consider the advisability of making these positions appointive by the Governor.

I hope that in your search for greater efficiency you will study the possible advantages of extending the two-year term of Governor to a single term of four years. By such action, a Governor would be able to spend more time administering the affairs of state according to law and less time seeking election to that or some other office.

If this suggestion is followed, it may also be wise to consider the desirability of having the state election occur in years other than those in which the President is elected. The purpose of this change would be to give State matters the separate consideration they deserve.

Through the years the Executive Council has been given duties and powers by legislative enactment which were neither foreseen nor provided for in the Constitution. This extension of the Council beyond the framework of its fundamental authority has led to inefficiency and confusion in the administration of state affairs. This confusion has extended to the Council itself. By extra-legal orders this advisory body has not only assumed executive functions, but has also encroached upon the powers of the Legislature. I therefore recommend that you take whatever action you find wise and necessary to return the Executive Council to its original constitutional function as an advisory and confirming body.

Honesty

To respond in full measure to all these human and economic needs, our government must have the fundamental quality of simple honesty. This means not only honesty in money, but honesty in thinking. In all our functions, let us proceed by open, frank and straightforward methods.

Our citizens are entitled to know the truth concerning the government which belongs to them. (Applause). They cannot assist us without knowing the truth, and you and I need their assistance. Through the channels of a free press and radio the people of Maine will follow our deliberations. I am sure they will make their desires and opinions equally known to us.

Although I cannot join with you in considering the detailed legislative problems which will come before you at this session, I will join with you in every way possible to reach the goal which has been set for us. It is my most earnest hope that each of you will feel free to call on me at any time you think that I can be of any assistance.

I fully realize that the responsibilities which I am undertaking will demand my full-time attention. I shall endeavor to be available to you at my office and at my home six days each week for any discussion of our common problems and those of the people we are serving.

Sunday I frankly hope to spend with my wife and my children at church and at home. (Applause). I feel that this is good, Christian living, which is, after all, a condition to good government. (Prolonged Applause).

Governor Sewall and suite then retired amid the applause of the Convention, the audience rising.

The CHAIRMAN: The purposes for which this Convention was assembled having been accomplished, I now declare the Convention dissolved.

The Senate then retired to their chamber, amid the applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

The SPEAKER: The Chair is informed that the gentleman from Bangor, Mr. Brown, and the gentleman from Fort Fairfield, Mr. Dorsey, were not present yesterday to receive the oath of office, and, if there is no objection, the Chair at this time will appoint the gentleman from Winthrop, Mr. McNamara, as a committee to escort the two members-elect to the Governor and Council for the purpose of receiving the oath of office.

Subsequently, Mr. McNamara reported that he had discharged his duty and that the members had taken and subscribed to the necessary oaths.

On motion by Mr. Seeger of Kittery, out of order and under suspension of the rules, it was

ORDERED, that the Clerk be, and hereby is, authorized to procure a State flag to be displayed at the Speaker's rostrum.

Orders of the Day

The SPEAKER: At this time the Chair will appoint the members of the Standing Committees of the House. The Clerk will read the appointments.

STANDING COMMITTEES OF THE HOUSE

Ways and Means

Mills of Farmington
Murchie of Calais
Holman of Dixfield
Fenlason of North Anson
Brown of Eagle Lake
Ayer of Cornish
Lackee of Addison

Leave of Absence

McGlauffin of Portland
Downs of Rome
Good of Monticello
Starrett of Warren
Jacobs of Auburn
Roberts of Waterboro
Rankin of Denmark

Rules and Business of House

Speaker Ex-Officio
Williams of Bethel
Dwinal of Camden
Briggs of Hampden

Bills in the Third Reading

Winter of Kingfield
Dorsey of Fort Fairfield
Warren of Westbrook
Cross of Augusta
Brown of Bangor
Osgood of Bradford
Donahue of Biddeford

Engrossed Bills

Bragdon of Perham
Smith of Thomaston
Grady of Whitefield
Brown of Corinna
Bangs of Brunswick
Weston of Farmingdale
Stevens of Jonesport

Elections

Shesong of Portland
Richardson of Strong
McGlaulin of Portland
Worth of Stockton Springs
Bangs of Brunswick
Southard of Augusta
Brewer of Presque Isle

County Estimates

Jacobs of Auburn
Dorsey of Fort Fairfield
Patterson of Freeport
Hall of Wilton
Willey of Ellsworth
McNamara of Winthrop
Starrett of Warren
Denry of Damariscotta
Wyman of Norway
Boyd of Winn
McKusick of Parkman
Buker of Bath
Goodrich of Palmyra
Davis of Montville
McLellan of Trescott
Seeger of Kittery

Papers from the Senate, out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 7th, 1941, at 4:30 o'clock in the afternoon. (S. P. 24)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's message and report the reference of its several subjects to appropriate committees. (S. P. 23)

Came from the Senate, in that body read and passed, and the following Senators appointed on its part:

Senators: Farris of Kennebec
Chamberlain of Penobscot
Melvin of Androscoggin

In the House, read and passed in concurrence, and the Chair appointed the following members on the part of the House:

Representatives:

Payson of Portland
Murchie of Calais
Pratt of Turner
Smith of Thomaston
Brown of Brunswick
Dean of South Portland
Tozier of Fairfield

On motion by Mr. Payson of Portland, the House voted to take from the table the first unassigned matter, Communication from Secretary of State, Transmitting Returns of Votes for Representatives to Legislature, tabled by that gentleman on January 1st, pending reference to a committee; and on further motion by the same gentleman, the communication was referred to the Committee on Elections.

On motion by Mr. Payson of Portland, the House voted to take from the table the second unassigned matter, Communication from Secretary of State Transmitting Returns of the Votes cast for Representative to the Legislature in the Dover-Foxcroft class of towns, tabled by that gentleman on January 1st pending reference to a committee; and on further motion by the same gentleman the communication was referred to the Committee on Elections.

On motion by Mr. Payson of Portland, the House voted to take from the table the third unassigned matter, Notice of the intention of Harold S. Burgess to contest the election of Ralph N. Harvey as Representative to the Legislature for the class towns of Sangerville and Dover-Foxcroft, tabled by that gentleman on January 1st, pending reference to a committee; and on further motion by the same gentleman the notice was referred to the Committee on Elections.

On motion by Mr. Richardson of Strong,

The House adjourned until Tuesday, January 7th, 1941, at 4:30 o'clock in the afternoon.