

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 23, 1941.

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

Prayer by the Rev. Mr. Stiles of Augusta.

Journal of the previous session read and approved.

Bills and Resolves from the Senate requiring reference disposed of in concurrence.

From the Senate: Bill "An Act relating to Fees of Referees" (H. P. 102) (L. D. 57) which was referred to the Committee on Judiciary in the House on January 15th.

Came from the Senate, referred to the Committee on Salaries and Fees in non-concurrence.

In the House, it was voted to recede from its former action where-by the Bill was referred to the Committee on Judiciary. The House then concurred with the Senate in the reference of the Bill to the Committee on Salaries and Fees.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 28th, 1941, at 10.30 o'clock in the forenoon (S. P. 132)

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

In the House, read and passed in concurrence.

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Banks and Banking

Bill "An Act Amending the Regulation of Automobile Finance Business" (H. P. 407) (Presented by Mr. Flagg of Portland by request)

Bill "An Act relating to Investment of Farm Land Loan's Funds" (H. P. 408) (Presented by Mr. Murchie of Calais)

(500 copies ordered printed)

Sent up for concurrence.

Claims

Resolve reimbursing the town of Sherman for certain Pauper Ex-

pense (H. P. 409) (Presented by Mr. Bowers of Sherman)

Resolve in favor of Mrs. Albertha Williams of Bath (H. P. 410) (Presented by Miss Deering of Bath)

Resolve in favor of the town of Jay (H. P. 411) (Presented by Mr. Hall of Wilton)

Resolve reimbursing the town of Trescott for Burial Expenses of Aaron Mooers (H. P. 412) (Presented by Mr. McLellan of Trescott)

Resolve reimbursing the town of Rumford for Medical Aid furnished Joseph and Clara Glidden (H. P. 413) (Presented by Mr. Martin of Rumford)

Sent up for concurrence.

Education

Bill "An Act relating to Ministerial and School Funds" (H. P. 414) (Presented by Mr. Grua of Livermore Falls)

(500 copies ordered printed)

Sent up for concurrence.

Indian Affairs

Bill "An Act relating to Holding of Certain Tribal Offices by Indians" (H. P. 415) (Presented by Mr. Bubar of Weston)

(500 copies ordered printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Closed Time on Wild Hares and Rabbits" (H. P. 419) (Presented by Mr. Mercier of Rumford)

(500 copies ordered printed)

Resolve appropriating money to Repair Fish Way at Aroostook Falls (H. P. 416) (Presented by Mr. Brewer of Presque Isle)

(500 copies ordered printed)

Resolve Regulating Trapping of Muskrats in Corundel Lake (H. P. 417) (Presented by Mr. Brown of Corinna)

(500 copies ordered printed)

Resolve Regulating Muskrat Trapping in Sebasticook Lake (H. P. 418) (Presented by same gentleman)

(500 copies ordered printed)

Resolve Regulating Fishing in Chase's Pond (H. P. 420) (Presented by Mr. Pearson of Kennebunkport by request)

(500 copies ordered printed)

Resolve Regulating Fishing in Scituate Pond (H. P. 421) (Presented by same gentleman by request)

(500 copies ordered printed)

Resolve Regulating Fishing in

Sand Pond (H. P. 422) (Presented by Mr. Rankin of Denmark)
(500 copies ordered printed)

Resolve Regulating Fishing in Moose Pond (H. P. 423) (Presented by same gentleman)
(500 copies ordered printed)

Resolve Regulating Fishing in Moose Pond (H. P. 424) (Presented by same gentleman)
(500 copies ordered printed)

Resolve Regulating Fishing in Moose Pond, Little (H. P. 425) (Presented by same gentleman)
(500 copies ordered printed)

Resolve Regulating Fishing in Manns Mill Pond, Little Poverty Pond and Shy Beaver Pond (H. P. 426) (Presented by Mr. Roberts of Waterboro)
(500 copies ordered printed)

Sent up for concurrence.

Insane Hospitals

Resolve providing for Renovation of Electrical Service, Steam Plant, Fire Protection Service and Bakery at the Bangor State Hospital (H. P. 427) (Presented by Mr. Murchie of Calais)
(500 copies ordered printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to the Protestant Episcopal Church in Maine" (H. P. 428) (Presented by Mr. Flagg of Portland)
(500 copies ordered printed)

Bill "An Act relating to Time of Filing Notice by Towns of Support Supplied Paupers" (H. P. 429) (Presented by Mr. Payson of Portland)
(500 copies ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Charter of the city of Presque Isle" (H. P. 430) (Presented by Mr. Brewer of Presque Isle)
(500 copies ordered printed)

Bill "An Act relating to Sale and Use of Fireworks" (H. P. 431) (Presented by Mr. Pierce of Bucksport)
(500 copies ordered printed)

Sent up for concurrence.

Military Affairs

Bill "An Act establishing the Maine State Guard" (H. P. 432) (Presented by Mr. LaFleur of Portland)
(1000 copies ordered printed)

Sent up for concurrence.

Bill "An Act Creating the Maine Nautical School" (H. P. 433) (Pre-

ented by Mr. Leavitt of Portland)
(500 copies ordered printed)
Sent up for concurrence.

Motor Vehicles

Bill "An Act relating to Date of Inspection of Motor Vehicles (H. P. 434) (Presented by Mr. Lackee of Addison)
(500 copies ordered printed)

Sent up for concurrence.

Pensions

Resolve providing for a State Pension for Louise Randall of Castle Hill (H. P. 435) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve providing for a State Pension for Alice I. Thornton of Sherman (H. P. 436) (Presented by Mr. Bowers of Sherman)

Resolve providing for a State Pension for Daisy Lane of Sherman (H. P. 437) (Presented by same gentleman)

Resolve providing for a State Pension for Adelia Frances Roberts of Monroe (H. P. 438) (Presented by Mr. Farwell of Unity)

Resolve providing for an Increase in State Pension for Arthur W. Hunt of Burnham (H. P. 439) (Presented by same gentleman)

Resolve providing for a State Pension for Judson Andrews of Jefferson (H. P. 440) (Presented by Mrs. Grady of Whitefield)

Resolve providing for a State Pension for Mace L. Hill of Alna (H. P. 441) (Presented by same member)

Resolve providing for a State Pension for Mary Decker Leighton of Alna (H. P. 442) (Presented by same member)

Resolve providing for an Increase in State Pension for Carrie E. Bresnahan of Ellsworth (H. P. 443) (Presented by Mr. Willey of Ellsworth)

Sent up for concurrence.

Public Utilities

Bill "An Act authorizing Penobscot County Water Company to obtain and maintain a Supply of Water for its Corporate Purposes" (H. P. 444) (Presented by Mr. Goldsmith of Orono)
(500 copies ordered printed)

Sent up for concurrence.

Sea and Shore Fisheries

Resolve relating to the Digging of Clams in the town of Woolwich (H. P. 445) (Presented by Mr. McIntire of Phippsburg)

(500 copies ordered printed)

Sent up for concurrence.

State Lands and Forest Preservation

Bill "An Act Approving the Purchase of Lamoine Coal Depot" (H. P. 446) (Presented by Mr. Teel of Long Island Pl.)

(500 copies ordered printed)

Resolve Granting Authority to the Forestry Department to Convey certain Land to Stanley Hinch of Danforth (H. P. 447) (Presented by Mr. Sylvia of Danforth)

(500 copies ordered printed)

Resolve Granting Authority to the Forestry Department to Convey certain Land to Stanley Hinch of Danforth (H. P. 448) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

Towns

Bill "An Act to Provide for the Surrender by Silver Ridge Plantation of its Organization" (H. P. 449) (Presented by Mr. Bowers of Sherman)

(500 copies ordered printed)

Bill "An Act to Provide for the Surrender by town of Byron of its Organization" (H. P. 450) (Presented by Mr. Martin of Rumford)

(500 copies ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act relieving Towns from certain Maintenance Costs on Roads" (H. P. 451) (Presented by Mr. Holman of Dixfield)

(1000 copies ordered printed)

Sent up for concurrence.

Resolve relating to Maintenance of that part of Route 11 located within the town of Lincoln (H. P. 452) (Presented by Mr. Lane of Lincoln)

(500 copies ordered printed)

Resolve relating to Maintenance of the White Schoolhouse Road, so-called (H. P. 453) (Presented by Mr. Milliken of Madison)

(500 copies ordered printed)

Resolve in favor of certain Townships in Piscataquis County (H. P. 454) (Presented by Mr. Preble of Millinocket)

(500 copies ordered printed)

Sent up for concurrence.

Resolve in favor of the town of

Standish (H. P. 384) (Presented by Mr. Harold of Standish)

Resolve in favor of the town of Sebago (H. P. 385) (Presented by same gentleman)

Resolve in favor of the town of Castle Hill (H. P. 386) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve in favor of the town of Ashland (H. P. 387) (Presented by same gentleman)

Resolve in favor of the town of Livermore Falls (H. P. 388) (Presented by Mr. Grua of Livermore Falls)

Resolve in favor of the town of Livermore (H. P. 389) (Presented by same gentleman)

Resolve in favor of the town of Topsham (H. P. 390) (Presented by Mr. McIntire of Phippsburg)

Resolve in favor of the town of Phippsburg (H. P. 391) (Presented by same gentleman)

Resolve in favor of the town of West Bath (H. P. 392) (Presented by same gentleman)

Resolve in favor of the town of Arrowsic (H. P. 393) (Presented by same gentleman)

Resolve in favor of the town of Woolwich (H. P. 394) (Presented by same gentleman)

Resolve in favor of the town of Woolwich (H. P. 395) (Presented by same gentleman)

Resolve in favor of the town of Phippsburg (H. P. 396) (Presented by same gentleman)

Resolve in favor of the town of Winthrop (H. P. 397) (Presented by Mr. McNamara of Winthrop)

Resolve in favor of the town of Litchfield (H. P. 398) (Presented by same gentleman)

Resolve in favor of the town of Winthrop (H. P. 399) (Presented by same gentleman)

Resolve in favor of the town of Monmouth (H. P. 400) (Presented by same gentleman)

Resolve in favor of the town of Fryeburg (H. P. 401) (Presented by Mr. Rankin of Denmark)

Resolve in favor of the town of Brownfield (H. P. 402) (Presented by same gentleman)

Resolve in favor of the town of Denmark (H. P. 403) (Presented by same gentleman)

Resolve in favor of the town of Otisfield (H. P. 404) (Presented by Mr. Robbins of Harrison)

Resolve in favor of the city of Brewer (H. P. 405) (Presented by Mr. Robinson of Brewer)

Resolve in favor of the town of Wells (H. P. 406) (Presented by Mr. Welch of North Berwick)
 Sent up for concurrence.

At this point a message was received from the Senate, through its Secretary, proposing a Convention of both branches of the Legislature, to be held forthwith in the hall of the House, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

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

In Convention

The President of the Senate in the Chair.

On motion by Senator Dow of Oxford, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, the Governor, and inform him that the two branches of the Legislature are in convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman then appointed as such Committee: Senators Dow of Oxford, Bate of Kennebec, and Brown of Aroostook, and Representatives, McGillicuddy of Houlton, Hinckley of South Portland, Welch of North Berwick, Miss Deering of Bath, Conant of Auburn, Poulin of Waterville, and Donahue of Biddeford.

Mr. Dow, for the Committee, subsequently reported that the Committee had attended to the duty assigned it and that His Excellency, the Governor, would attend the Convention forthwith.

Thereupon, His Excellency, Governor Sumner Sewall, attended by the Executive Council and Secretary of State Robie, entered the hall of the House, amid the applause of the Convention, the members rising.

The Chairman then presented Governor Sewall to the Convention.

The Governor addressed the Convention as follows:

Mr. President and Members of the 90th Legislature:

I am submitting to you herewith the financial plan for the conduct

of State business during the next two fiscal years.

During the fiscal year of 1939-1940 our state government cost \$39,-741,428.29.

Of this total amount \$12,841,715.23 was provided from the following sources:

The original appropriation act . . .	\$11,336,184.87
Subsequent supplemental appropriations to meet overdrafts	705,530.36
Direct payments from cities and towns to Old Age Assistance account	800,000.00
Total	\$12,841,715.23

The balance of \$26,899,713.06 represents the expenditure of earmarked funds of both state and federal origin which do not require specific appropriation.

For the present fiscal year ending June 30th, 1941, our estimate of total cost is \$39,568,895.18.

Of this total amount it is estimated that \$12,633,424.23 will be provided from the following sources:

The original appropriation act . . .	\$11,399,710.89
Subsequent supplemental appropriation	10,200.00
Estimated overdraft for which supplemental appropriation must be made	423,513.34
Direct payments from cities and towns to Old Age Assistance account	800,000.00
	\$12,633,424.23

These figures, reflecting our solution of past years, clearly suggest our problem for the coming two fiscal years.

We cannot continue to pay current operating costs from the sinking fund reserve.

We cannot continue to finance our expenditures by overdrafts.

Our present law providing payments from cities and towns for Old Age Assistance expires June 30th, 1941.

We must pay current operating costs with current revenues.

Fiscal Years 1941-42 and 1942-43

The recommended appropriation for the fiscal year 1941-42 is \$12,-537,961.58, and for 1942-43 it is \$12,-627,280.58.

These recommended appropriations represent estimated reasonable amounts necessary to maintain the present level of state governmental services during the next two years without overdrafts or direct payments from cities and towns for Old Age Assistance, and without allowance for excess unexpended balances.

Amounts Saved

These figures, therefore, calculated without miscellaneous resolves, contemplate the operation of the state business during the next two fiscal years for approximately \$200,-000.00 less than it cost to operate the same business during the preceding two-year period.

It is estimated that revenues credited into general funds and available for appropriation in the fiscal year of 1941-1942 will be \$11,618,-651.00. For the fiscal year of 1942-1943 this figure will be the same.

Amounts Needed

Assuming, therefore, that we want to face the problem squarely at the outset, I must call to your attention that there is a gap of \$919,310.58 between recommended appropriations and estimated revenues for the fiscal year 1941-42 and of \$1,008,629.58 for 1942-43.

These amounts must be saved if we are to operate without further deficits or raised if we are to maintain our present level of governmental service.

It is my duty, moreover, to call to your attention that we are not now fully providing the services which are called for by law. If we are to meet the needs of our eligible citizens who have already applied for assistance under our present laws, it is estimated that at least \$1,800,000.00 new revenues will be required for the fiscal year 1941-42 and \$1,900,000.00 for the 1942-43 fiscal year.

These amounts, in addition to our present revenues, would provide old age assistance for 17,820 of our citizens, and make adequate provision for fulfilling the law relating to aid to state dependents, aid for the blind, aid to dependent children, hospital aid, world war relief, sup-

port to dependent soldiers and sailors, and other human needs, including some measure of adjustment in our educational system.

Re-Examination Is Vital

You will recall that in my inaugural message to you, I urged the importance of a re-examination of the structure which we have built during recent years to meet the emergencies created by the economic and human needs of our people.

It is increasingly apparent from a study of these budget figures that such re-examination cannot safely be further postponed. In this time of expanding employment, our laws and regulations should allow for proportionate lightening of our burden of relief. Yet these figures suggest a need for substantial increases.

It is the duty of all of us who appropriate and administer these vast sums to be fully aware of the laws, procedures, and regulations which govern these expenditures. We must satisfy ourselves that our true objectives are being attained and that our more fortunate citizens are not being required to bear an unnecessary burden for those who are less fortunate. When we are satisfied that we have established a just and efficient structure for meeting this human problem, I am convinced that our people will rise to their obligation and willingly carry the load.

Unpredicted Expenditures

In the course of this session there will undoubtedly be presented for your consideration many acts and resolves calling for additional expenditures. Since this legislation cannot be predicted in drafting the budget, I would ask that any such measures which you may find worthy of enactment, be accompanied by provision of funds necessary to make them effective. Among these may well be measures for our contribution to the national defense, which are as yet wholly unpredictable but starkly real.

The document which I now lay before you represents the faithful and tireless efforts of your Budget Officer and his legislative advisors. It is clear, it is comprehensive, and it is a strikingly new approach to the task of presenting our fiscal problems and plans. I am profoundly grateful for the skill and enterprise which our Budget Officer

has applied in bringing this work to completion.

I leave it with you, confident in your ability to solve successfully the problems it so clearly states. (Applause)

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

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

Thereupon, the Senate retired to its chamber, amid the applause of the House, the members rising.

In the House.

Speaker Varney in the Chair.

Orders

Mr. Leveque of Lewiston, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Attorney General report forthwith to this session of the legislature the full amounts recovered by the State to date from the former controller, William Runnells, and whether or not the case is closed.

The Order received passage and was sent up for concurrence.

Report of a Committee Ought Not to Pass

Mr. Farwell from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve in favor of the town of Dennysville (H. F. 78)

Report was read and accepted and sent up for concurrence.

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Order Relative to Amending Rule No. 10 of the House Rules, tabled by the gentleman from Portland, Mr. Payson, on January 22nd, pending passage; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, I now move the passage of this Order for the reasons which I stated to the House yesterday.

The SPEAKER: Is it the pleasure of the House that the Order now receive passage?

Thereupon, the motion prevailed, and the Order received passage.

On motion by Mr. Bowers of Sherman,

The House adjourned until 10:30 o'clock in the forenoon, Tuesday, January 23, 1941.