

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Wednesday, January 1, 1941

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

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

Communication from the Secretary of State

STATE OF MAINE

Office of the Secretary of State
To Royden V. Brown, Secretary of the Senate of the Eighty-ninth 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 Ninetieth Legislature, as appears by the report of the Governor and Council under date of October 22, 1940.

First Senatorial District—Sidney R. Batchelder of Parsonsfield, Charles Boothby of Shapleigh, Joseph E. Harvey of Saco.

Second Senatorial District—Horace A. Hildreth of Cumberland, Gail Laughlin of Portland, Harry C. Libby of Portland, Lauren M. Sanborn of Portland.

Third Senatorial District—Eugene H. Dorr of Mexico, Robert B. Dow of Norway.

Fourth Senatorial District—Jean Charles Boucher of Lewiston, Bernard L. Harkins of Lewiston, James A. Melvin of Lewiston.

Fifth Senatorial District—Clinton H. Dow of Jay.

Sixth Senatorial District—Neil S. Bishop of Bowdoinham.

Seventh Senatorial District—Francis H. Bate of Winthrop, Ralph W. Farris of Augusta, Carl F. Fellows of Augusta.

Eighth Senatorial District—Francis H. Friend of Skowhegan, William H. Hinman of Skowhegan, Ninth Senatorial District—Lyle M. Snow of Dover-Foxcroft.

Tenth Senatorial District—James K. Chamberlain of Brewer, John E. Townsend of Bangor, Norman E. Whitney of Bangor.

Eleventh Senatorial District—Alden C. Stilphen of Dresden.

Twelfth Senatorial District—Albert B. Elliot of Thomaston.

Thirteenth Senatorial District—Ralph I. Morse of Belfast.

Fourteenth Senatorial District—Hervey R. Emery of Bucksport, Almon B. Hodgkins of Bar Harbor.

Fifteenth Senatorial District—Thomas S. Bridges of Danforth, Clifford C. Chase of Baring.

Sixteenth Senatorial District—George V. Brown of Caribou, George P. Findlen of Fort Fairfield, Nathaniel Tompkins of Houlton.

In testimony Whereof, I have caused the seal of the State to be herewith affixed at Augusta, this 1st day of January, A. D., 1941, of the Independence of the United States of America, the one hundred and sixty-fifth.

(Seal)

FREDERICK ROBIE

Secretary of State.

Which was read and placed on file.

Roll Call

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

Batchelder, Bate, Bishop, Boothby, Boucher, Bridges, Brown, Chamberlain, Chase, Dow of Franklin, Dow of Oxford, Dorr, Elliot, Emery, Farris, Fellows, Findlen, Friend, Harkins, Harvey, Hildreth, Hinman, Hodgkins, Laughlin, Libby, Melvin, Morse, Sanborn, Snow, Stilphen, Tompkins, Townsend, Whitney.

Thirty-three senators-elect having answered to the roll-call, the Secretary declared that a quorum was present.

On motion by Mr. Farris of Kennebec that Senator-elect was charged with a message to the Governor and Council informing them that a quorum of the Senators-elect 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 Mr. Farris reported that he had delivered the message with which he 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 Lewis O. Barrows, attended by the Executive Council came in, before whom the Senators-elect took and subscribed the oaths of office required by the Constitution.

Address by the Governor

Members of the Senate of the Ninetieth Legislature:

Inasmuch as I germinate my efforts for the State of Maine today and you are about to begin your session, it may not be inappropriate to apprise you of the healthy financial condition of the State at the close of the present administration.

To that end I requested of the Controller and the Auditor that they file a condensed statement which would reflect some of the features of our present condition, and I would respectfully ask the Secretary to supply each member of this body with a copy of the report which they have submitted to me.

In conclusion, may I not wish the incoming Administration and the Ninetieth Legislature every possible success in the solution of the varied problems that may be presented to you.

The Governor and Council then withdrew.

Thereupon on motion by Mr. Findlen of Aroostook, Mr. Friend of Somerset was appointed a committee of one to cast one ballot on the part of the Senate in favor of the Honorable Nathaniel Tompkins for President of the Senate; and that Senator having performed the duty assigned him, the Secretary declared the Honorable Nathaniel Tompkins duly elected President of the Senate for the political years 1941 and 1942.

Mr. Tompkins was escorted to the Chair by Mr. Friend of Somerset, and thereupon addressed the Senate as follows:

MR. TOMPKINS of Aroostook: Members of the Senate of the Ninetieth Legislature, first let me wish you, one and all, a happy new year. There may be disturbing signs on the horizon but this legislature is no different than the preceding legislatures that have met in this state house. They too have had their problems. They have met them and have solved the problems pertain-

ing to the state and its government. We will have difficult problems to solve but you, like other legislators, will solve those problems.

I shall try to the best of my ability to be helpful to every member of this Senate. The presiding officer must see that the business of this Body is conducted in an orderly manner. That shall be my endeavor and it shall be my endeavor to conduct it fairly and impartially. I deeply appreciate the honor that you have conferred upon me but I am also keenly alive to the responsibilities which this office carries.

I thank you.

On motion by Mr. Fellows of Kennebec, the Senator from Cumberland, Senator Libby, was authorized to cast one ballot on the part of the Senate in favor of Royden V. Brown for Secretary of the Senate. This was done, and Royden V. Brown of Skowhegan was declared duly elected Secretary of the Senate for the political years 1941 and 1942.

At the request of the President the Senator from Washington, Senator Chase 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. Chase 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.

On motion by Mr. Morse of Wa.do, the Senator from Oxford, Senator Dorr, was authorized to cast one ballot on the part of the Senate in favor of Chester T. Winslow for Assistant Secretary of the Senate. This was done, and Chester T. Winslow of Raymond was declared duly elected Assistant Secretary of the Senate for the political years 1941 and 1942.

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

On motion of Mr. Emery of Hancock, the Senator from Lincoln, Senator Stilphen was authorized to cast one ballot on the part of the Senate in favor of Roy S. Humphrey for Sergeant at Arms of the Senate.

This was done, and Roy S. Humphrey was declared duly elected Sergeant at Arms of the Senate for the political years 1941 and 1942.

On motion by Mr. Chamberlain of Penobscot the Senator from York, Senator Batchelder, was authorized to cast one ballot on the part of the Senate in favor of Waldo H. Clark for Assistant Sergeant at Arms

Jeremiah Kennedy for Postmaster
Francis X. Mooney for Doorkeeper
Harlan Wadleigh for Page
Paul F. Kennon for Page

This was done and the above were declared duly elected to their several offices of the Ninetieth Legislature.

On motion by Mr. Dow of Oxford, the same Senator was charged with a message to the House of Representatives, informing that body that the Senate had organized by the choice of the Honorable Nathaniel Tompkins 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. Chase of Washington 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 Nathaniel Tompkins as President, Royden V. Brown as Secretary, and Chester T. Winslow as Assistant Secretary.

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

On nomination by Mr. Chamberlain of Penobscot, the Senator from Somerset, Senator Friend was elected floor leader for the Senate of the Ninetieth Legislature.

Communication from the Department of State Transmitting the Senatorial Vote:

**State of Maine
Office of the Secretary of State**

Augusta, Maine
January 1, 1941.

To the President of the Senate:

In compliance with the constitution and laws of the State of Maine I have the honor to herewith transmit the returns of the votes cast for State Senators in the several cities, towns and plantations in the State of Maine at the general election held on September 9, A. D., 1940.

Respectfully,

FREDERICK ROBIE,
Secretary of State.

Which was read and on motion by Mr. Sanborn of Cumberland was referred to the Committee on Senatorial Vote.

Orders

On motion by Mr. Farris of Kennebec, 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 of 1941 and 1942 shall be referred for examination and report.

The President appointed: Senators Farris of Kennebec, Emery of Hancock, Whitney of Penobscot, Chase of Washington, Dow of Franklin, Hildreth of Cumberland, Dorr of Oxford.

A message was received from the House of Representatives by Mr. Payson its Republican Floor Leader informing the Senate that the House had organized by the choice of the Honorable George B. Varney of Berwick as Speaker, Harvey R. Pease of Wiscasset as Clerk and Earl L. Wing of Kingfield as Assistant Clerk.

On motion by Mr. Findlen of Aroostook, it was

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

On motion by Mr. Sanborn of Cumberland, it was

ORDERED, that the State Librarian be directed to provide each

member and officer of the Senate with a copy of the Acts and Resolves of the Eighty-Ninth Legislature.

On motion by Mr. Fellows of Kennebec, it was

ORDERED, that the Official Reporter of the Senate be authorized to procure the services of a type-writing 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. Sanborn of Cumberland, 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. Harkins of Androscoggin, 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 Miss Laughlin of Cumberland, it was

ORDERED, that the rules and orders of the Senate of the Eighty-ninth Legislature be the rules and orders of this Senate.

On motion by Mr. Chase of Washington, 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. Hinman of Somerset, 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.

On motion by Mr. Chamberlain of Penobscot, 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. Dow of Franklin, it was

ORDERED, that the President of the Senate be authorized to appoint a Folder for the Senate.

On motion by Mr. Batchelder of York, it was

ORDERED, that the State Librarian be directed to provide each member and officer of the Senate with a copy of the Revised Statutes.

On motion by Mr. Morse of Waldo, it was

ORDERED, the House concurring that the Joint Rules of the Eighty-ninth Legislature be the Joint Rules of this Legislature, (S. P. 1)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Bridges of Washington, it was

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House jointly prepare the Senate and House Register, and that 5,000 copies be printed for the use of the Legislature. (S. P. 2)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Snow of Piscataquis, it was

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifty calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member and officer 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. (S. P. 3)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Whitney of Penobscot, it was

ORDERED, the House concurring, that all matters pertaining to advertising, committee record binders, paper supplies and rubber stamps be referred to the Superintendent of Public Printing, who shall direct the handling of such matters. (S. P. 4)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Townsend of Penobscot, it was

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and Clerk of the House (S. P. 5)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Boucher of Androscoggin, it was

ORDERED, the House concurring, that the Secretary of State be authorized to furnish wrappers and postage stamps for each member and officer of the Senate and House not exceeding \$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 desire to mail to the citizens of the State. ((S. P. 6)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Emery of Hancock, it was

ORDERED, that the Secretary of the Senate be directed to furnish each member and officer of the Senate during the present session with three daily newspapers printed in the State, as each member and officer may select.

On motion by Mr. Brown of Aroostook, it was

ORDERED, the House concurring, that no bill for private or special legislation be received by this legislature after four o'clock in the

afternoon of Thursday, January 30, 1941, except by unanimous consent in the body in which it is introduced, and further

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 Thursday, January 30, 1941, shall be referred to the Ninety-first Legislature if unanimous consent for its reception is not given in the other body in concurrence, and further,

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 January 8, 1941 and continuing up to and including January 30, 1941. (S. P. 7)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Melvin of Androscoggin, it was

ORDERED, the House concurring, that the returns of votes for Governor, given in the several cities, towns and plantations of the State for the political years 1941 and 1942 be referred to a joint select committee of seven on the part of the Senate with such as the House may join. (S. P. 8)

Sent down for concurrence.

On motion by Mr. Libby of Cumberland, it was

ORDERED, the House concurring, that the Bureau of Purchases be directed to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings during the present session, same to be charged to Legislative expense. (S. P. 9)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Hildreth of Cumberland, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the session of 1941 be printed and bound, one copy each for the

members of the Senate, House of Representatives, and the Secretary of the Senate and Clerk of the House, and the remainder to be deposited in the State Library for exchange and library use; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments, under the direction of the Document Clerk, and be it further

ORDERED, that a suitable index be prepared for such Legislative Record under the direction of the Secretary of the Senate and Clerk of the House, at an expense not exceeding five hundred dollars. (\$500.00) (S. P. 10)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Hodgkins of Hancock, it was

ORDERED, the House concurring, that the members and officers of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding five dollars (\$5.00) for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State Library Department, and the unexpended balance at the close of the year 1941 shall be available for use in 1943. (S. P. 11)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Bate of Kennebec, it was

ORDERED, the House concurring, that no bill or resolve be received by this Legislature after four o'clock on the afternoon of Thursday, February 6, 1941, 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 after four o'clock in the afternoon on Thursday, February 6, 1941, shall be re-

ferred to the Ninety-first 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 Ninetieth Legislature; and be it 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 January 8, 1941, and continuing up to and including February 6, 1941. (S. P. 13)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Stilphen of Lincoln, it was

ORDERED, the House concurring, that the Superintendent of Public Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing, forty-eight hours previous to the time when said rooms are to be used for that purpose. (S. P. 14)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Farris of Kennebec, it was

ORDERED, the House concurring, that A. G. Robinson be State House Investigator during the present session of the Legislature at the same rate of compensation paid Mr. Robinson during the last session. (S. P. 15)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Dow of Oxford, it was

ORDERED, the House concurring, that a joint select committee to be designated "Committee on the University of Maine" be appointed consisting of three on the part of the

Senate, and seven on the part of the House. (S. P. 16)

Sent down for concurrence.

On motion by Mr. Hinman of Somerset, it was ORDERED, the House concurring, that there be paid to the officers of the Senate and House of Representatives as advances on account of compensation amounts included in fortnightly lists, certified to the State Controller by the Secretary of the Senate and the Clerk of the House, respectively, and that the final pay rolls at the end of the session of such officers bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 17)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Hinman of Somerset, it was ORDERED, the House concurring, that there be paid to the officers of the Senate and House of Representatives for mileage, the amounts included in lists certified to the State Controller by the Secretary of the Senate and the Clerk of the House, respectively. (S. P. 10)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Bishop of Sagadahoc, it was ORDERED, that a message be sent to the House or 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, State Auditor, Commissioner of Agriculture, and seven Executive Councillors.

Subsequently a message was received from the House of Representatives by Mr. Pease, its Clerk, announcing that that branch did not concur in the proposition of the Senate for a Joint Convention of the Legislature forthwith in the Hall of the House and further

announcing that that Body proposed a Joint Convention of the two branches of the Legislature to be held in the Hall of the House of Representatives at two o'clock this afternoon for the purpose of electing a Secretary of State, a Treasurer of State, an Attorney General, a Commissioner of Agriculture, a State Auditor and seven Executive Councillors.

Thereupon, the Senate voted to concur with the proposition of the House and the Secretary was instructed to convey the message.

Subsequently the Secretary reported that he had conveyed the message with which he was charged.

At this point the Chair announced the appointment of Stanton Libby of Augusta as Folder of the Senate.

On motion by Mr. Elliot of Knox, it was

ORDERED, the House concurring, that the joint rules be amended by adding thereto the following rule: "22. A copy of each joint order requiring action by any department, bureau, commission, board or agency of the state which is passed by both branches of the legislature shall be forwarded to such department, bureau, commission, board or agency by the Secretary of the Senate immediately after the adjournment for the legislative day in which the order was passed by the concurring branch of the legislature. Another copy of all such orders shall be sent to the Revisor of Statutes and shall be published in the official volume of the public laws."

On motion by Mr. Elliott of Knox, it was

ORDERED, that the Senate rules be amended by adding thereto the following rule: "A copy of each Senate Order requiring action by any department, bureau, commission, board or agency of the state which is passed by both branches of the legislature shall be forwarded to such department, bureau, commission, board or agency by the Secretary of the Senate immediately after the adjournment for the legislative day in which the order was passed by the concurring branch of the legislature. Another copy of all such orders shall be sent

to the Revisor of Statutes and shall be published in the official volume of the Public Laws.”

The **PRESIDENT**: The Senate will recess until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Joint Order

On motion by Mr. Friend of Somerset it was

ORDERED, the House concurring, the Governor's desk and chair be presented to him as a gift from the Ninetieth Legislature.

Sent down for concurrence.

The Senate retired to the Hall of the House of Representatives where a joint convention was held.

(For proceedings of the joint convention see House report.)

In the Senate

The Senate was called to order by the President.

Communication from the Department of State:

STATE OF MAINE DEPARTMENT OF STATE

Augusta, January 1, 1941.

To the President of the Senate and to the Speaker of the House of Representatives, of the Ninetieth Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the general election held on September 9, 1940.

Respectfully,

FREDERICK ROBIE,

Secretary of State (S. P. 19)

Which was read and referred to the Committee on Gubernatorial Vote.

Sent down for concurrence.

On motion by Mr. Bate of Kennebec,

ORDERED, that the use of the Judiciary Committee Room be granted to the Maine State Bar Association for the forenoon of Wednesday, January 8, 1941.

Which was read and passed.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.