

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

Tuesday, April 8, 1941

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

House Committee Reports**Ought Not to Pass**

The Committee on Claims on "Resolve in Favor of L. U. Klein, of Eagle Lake," (H. P. 14) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve in Favor of the Town of Farmington," (H. P. 924) (L. D. 1110) reported that the same ought to pass.

The Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'Sesquicentennial History of Greene,'" (H. P. 105) (L. D. 1111) reported that the same ought to pass.

The Committee on Motor Vehicles on Bill "An Act to Encourage Safety on School Buses," (H. P. 1539) (L. D. 831) reported the same in a new draft (H. P. 1894) (L. D. 1109) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relating to Farm Tractor Trailers," (H. P. 649) (L. D. 230) reported the same in a new draft (H. P. 1893) (L. D. 1108) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to the Safety of Highways," (H. P. 1551) (L. D. 895) reported the same in a new draft (H. P. 1892) (L. D. 1107) under a new title, Bill "An Act Relating to the Safety on Highways," and that it ought to pass.

The same Committee on Bill "An Act Relating to Registration of Motor Vehicles and Trailers," (H. P. 1549) (L. D. 838) reported the same in a new draft (H. P. 1891) (L. D. 1106) under the same title and that it ought to pass.

The Committee on Pensions on "Resolve to Repeal a Resolve Providing for a State Pension for Elizabeth McNaughton of Bangor," (H. P. 107) (L. D. 1112) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Teachers' Retirement System," (H. P. 1167) (L. D. 482) reported that the same ought to pass.

The same Committee on Bill "An Act Concerning the Teachers' Retirement System," (H. P. 1247) (L. D. 529) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Levying a Use Fuel Tax" (H. P. 1479) (L. D. 602) reported that the same ought to pass.

(On motion by Mr. Friend of Somerset, the bill was laid upon the table pending acceptance of the report in concurrence.)

The same Committee on Bill "An Act to Define Internal Combustion Engine Fuel," (H. P. 1483) (L. D. 610) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

Divided Reports

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxation," (H. P. 1391) (L. D. 769) reported that the same ought not to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

WILLIAMS of Bethel
HINCKLEY of South Portland
PAYSON of Portland
BRIGGS of Hampden
McGLAUFILIN of Portland

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Representatives:

MILLS of Farmington
GRUA of Livermore Falls.

In the House, the Minority report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate:

Miss LAUGHLIN of Cumberland:
Mr. President, I move that the Ma-

jority Report of the Committee be accepted in non-concurrence.

Thereupon, on motion by Mr. Chamberlain of Penobscot, the resolve was laid upon the table pending acceptance of the Majority report in non-concurrence.

The Majority of the Committee on Federal Relations on "Resolution Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts," (H. P. 466) (L. D. 202) reported that the same ought to pass.

(Signed)

Senators:

FELLOWS of Kennebec

MORSE of Waldo

EMERY of Hancock

Representatives:

GRUA of Livermore Falls

FULLER of China

CROCKETT of North Haven

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

CONANT of Auburn

MERCIER of Rumford

BELANGER of Winslow

In the House, the Minority Report read and accepted.

In the Senate, on motion by Mr. Morse of Waldo, the resolve was laid upon the table pending acceptance of either report.

Remonstrance

Mr. Friend of Somerset presented Remonstrance against (L. D. 344) Bill "An Act to Assist Rural Sanitation." (S. P. 543)

Which was read and ordered placed on file.

Sent to the House.

Senate Committee Reports

Final Report

Mr. Bate from the Committee on Temperance submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Farris from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the State Treasurer by the Governor without the Advice and Consent of

the Council, for a term of Four Years," (S. P. 352) (L. D. 685) reported that the same ought not to pass as matter is covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

Placed on File

Miss Laughlin from the same Committee on Petitions in Favor of (H. P. 1391) (L. D. 768) "Resolve Presenting an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxes," S. P. 493, 503, 504, 505, 513 and others, reported that the same be placed on file.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Chase from the Committee on Appropriations and Financial Affairs acting under authority of Joint Order (H. P. 1618) ask leave to report Bill "An Act Making Certain Welfare Appropriations Carrying Accocunts'" (S. P. 544) reported that the same ought to pass.

Mr. CHASE of Washington: Mr. President, I will say in explanation of this bill that in the past at the close of the fiscal year, certain towns have failed to send in their pauper accounts and the accounts under our present statutes must be closed. This simply gives the Controller the authority to keep these accounts open until these bills come in.

Thereupon, the "Ought to Pass" report of the committee was accepted and the bill was laid upon the table for printing under the joint rules.

Miss LAUGHLIN from the Committee on Judiciary on Bill "An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with Reference Thereto," (S. P. 344) (L. D. 661) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading. Committee Amendment A was read as follows: "Committee Amendment A. Amend Section 11 of said bill by inserting after the word 'owner' in the 5th line thereof, 'or the person having the custody or control'.

"And further amend Section 11 of said bill by striking out word 'if' in the 7th line thereof and substituting the word in place thereof the word 'it';

"And further amend Section 11 of said Bill by inserting before the word 'only' in the 7th line thereof the words '(except when in use)'

"And further amend said Bill by striking out Section 18 of said bill;

"And amend Section 20 of said bill by inserting before the word 'for' in the 5th line thereof the words 'upon conviction';

"And further amend said bill by striking out Section 21 of said bill;

"And further amend said bill by renumbering the sections so that they will read consecutively."

Committee Amendment A was adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. Friend from the Committee on Pensions on the following Resolves:

S. P. 29, Resolve Providing for a State Pension for Mrs. George A. Hogan of Augusta.

S. P. 30, Resolve Providing for a Pension for Florence E. Tuttle, of Augusta.

S. P. 54, Resolve Providing for a State Pension for Abbie Small, of Jay.

S. P. 59, Resolve Providing for a State Pension for Cecil Esters, of Lewiston.

S. P. 71, Resolve in Favor of Alfred Gero, of Waterville.

S. P. 96, Resolve Providing for a State Pension for Donald Wilton, of Bath.

S. P. 97, Resolve Providing for an Increase in State Pension for Joseph H. Carleton, of Dresden.

S. P. 105, Resolve Providing for an Increase in State Pension for George L. Harvey, of Belfast.

S. P. 121, Resolve Providing for a State Pension for George Chase, of Solon.

S. P. 123, Resolve Providing for an Increase in State Pension for Ethelyn Stewart, of Clinton.

S. P. 124, Resolve in Favor of Clarence Thomas, of Rumford Point.

S. P. 125, Resolve Providing for a State Pension for Beatrice E. Morawetz, of Dresden.

S. P. 135, Resolve Providing for a

State Pension for Elmer A. Trask, of Cornville.

S. P. 146, Resolve Providing for a State Pension for David S. Thompson, of Harmony.

S. P. 156, Resolve in Favor of E. D. Hayford.

S. P. 157, Resolve Providing for a State Pension for Rena D. Purinton, of Lewiston.

S. P. 158, Resolve Providing for a State Pension for William H. Staples of Belfast.

S. P. 159, Resolve Providing for a State Pension for Otis Emery Robbins, of Belfast.

S. P. 160, Resolve Providing for a State Pension for Bessie Mae Scates, of Palermo.

S. P. 161, Resolve Granting a State Pension to Mary E. Norris, of Wayne.

S. P. 162, Resolve in Favor of Emma W. Jenkins.

S. P. 199, Resolve Providing for a State Pension for George Overlock, of Bangor.

S. P. 200, Resolve Providing for a State Pension for Asa A. Blanchard, of Brewer.

S. P. 201, Resolve Providing for a State Pension for Fred H. Atwood, of Orrington.

S. P. 203, Resolve Providing for a State Pension for Adelbert E. Small, of Belfast.

S. P. 204, Resolve Providing for a State Pension for Annie S. Patterson, of Castine.

S. P. 260, Resolve in Favor of Lloyd L. Arnold, of Randolph.

S. P. 261, Resolve Granting a State Pension to James Madison, of Mexico.

S. P. 262, Resolve Providing for a State Pension for Emery Bartlett, of Mexico.

S. P. 263, Resolve in Favor of Peter Butler, of Gardiner.

S. P. 265, Resolve in Favor of Charles Herbert Hahn, Sr., of Belfast.

S. P. 266, Resolve Providing for a State Pension for Everett Ervine, of Damariscotta.

S. P. 267, Resolve Providing for a State Pension for Alfred Skolfield, of East Corinth.

S. P. 321, Resolve Providing for a State Pension for Harry Greene, of St. Albans.

S. P. 459, Resolve in Favor of Temple C. Coffin, of Harrington.

H. P. 52, Resolve Providing for a State Pension for Lena May Hall, of Canton.

H. P. 53, Resolve Providing for a State Pension for Ethel Merry, of Waldoboro.

H. P. 115, Resolve in Favor of George Emerson, of Pittsfield.

H. P. 253, Resolve in Favor of Mary J. Lothrop, of Wilton, Maine.

H. P. 254, Resolve in Favor of George W. Rines, of Newburg.

H. P. 255, Resolve in Favor of Alice C. McLaughlin, of Carmel.

H. P. 256, Resolve in Favor of Winn H. McIntire, of Plymouth.

H. P. 313, Resolve Providing for a Pension for Hattie Dudley Brackett, of Stacyville.

H. P. 314, Resolve Providing for a State Pension for Charles E. Walsh, of Jefferson.

H. P. 315, Resolve in Favor of Esther L. Davis, of West Gardiner.

H. P. 318, Resolve Providing for a State Pension for Eugene Whitney, of Winthrop.

H. P. 319, Resolve Providing for a State Pension for Della T. Dunn, of Monmouth.

H. P. 320, Resolve Providing for a State Pension for Mattie W. Howard, of Litchfield.

H. P. 321, Resolve Providing for an Increase in State Pension for Edith May Towne, of Litchfield.

H. P. 342, Resolve Providing for a State Pension for Lewis Tuttle, of Montville.

H. P. 343, Resolve Providing for a State Pension for Addie W. McCurdy, of China.

H. P. 344, Resolve Providing for a State Pension for Nellie M. Doe, of Windsor.

H. P. 346, Resolve Providing for an Increase in State Pension for Sadie E. Ballard, of Sangerville.

H. P. 347, Resolve Providing for a State Pension for Elmina A. Brown, of Auburn.

H. P. 348, Resolve Providing for a State Pension for Joseph William True, of Garland.

H. P. 436, Resolve Providing for a State Pension for Alice I. Thornton, of Sherman.

H. P. 437, Resolve Providing for a State Pension for Daisy Lane, of Sherman.

H. P. 438, Resolve Providing for a State Pension for Adelia Frances Roberts, of Monroe.

H. P. 439, Resolve Providing for an Increase in State Pension for Arthur W. Hunt, of Burnham.

H. P. 440, Resolve Providing for a State Pension for Judson Andrews, of Jefferson.

H. P. 441, Resolve Providing for a State Pension for Mace L. Hall, of Alna.

H. P. 476, Resolve Providing for a State Pension for Carroll G. Lander, of Kingfield.

H. P. 652, Resolve in Favor of T. W. Michaud, of Winn.

H. P. 653, Resolve Providing for an Increase in State Pension for Gertrude Craig, of Glenburn.

H. P. 656, Resolve Providing for a State Pension for Dudley P. Howard, of Morrill.

H. P. 658, Resolve Providing for a State Pension for William A. Blaisdell, of Palermo.

H. P. 661, Resolve Granting a State Pension to Bert Tozier, of Plymouth.

H. P. 662, Resolve Granting a State Pension to Alice Lord, of South Etna.

H. P. 663, Resolve in Favor of Robert E. Craig, of Dedham.

H. P. 665, Resolve for a State Pension for Lena Smith, of Skowhegan.

H. P. 666, Resolve Providing for a State Pension for Marcia O. Jones, of Lisbon.

H. P. 667, Resolve Providing for a State Pension for Abbie S. Risska, of Lisbon.

H. P. 668, Resolve Providing for a State Pension for Clease A. Ouelette, of Lisbon.

H. P. 669, Resolve Providing for a State Pension for Everett Pelkey, of Mapleton.

H. P. 670, Resolve Providing for a State Pension for Mildred Kennedy, of Easton.

H. P. 671, Resolve Providing for a State Pension for Minnie B. Emery, of Farmingdale.

H. P. 673, Resolve Providing for a State Pension for Hannah Holmes, of Ellsworth.

H. P. 674, Resolve in Favor of Olin L. Smith, of Orrington.

H. P. 836, Resolve Providing for a State Pension for Fred Goding, of Masardis.

H. P. 838, Resolve Providing for a State Pension for Alvin L. Batchelder of Webster.

H. P. 839, Resolve Granting a State Pension to Lillian Gertrude Trumble, of Auburn.

H. P. 841, Resolve Providing for a State Pension for Elson E. Harford, of Bowdoinham.

H. P. 842, Resolve Providing for a State Pension for Lottie Mosher, of Rome.

H. P. 843, Resolve Providing for a State Pension for Nora Fairbanks, of Mount Vernon.

H. P. 844, Resolve Providing for an Increase in State Pension for Murray J. Wentworth.

H. P. 846, Resolve Providing for a State Pension for Lena King, of Sangerville.

H. P. 847, Resolve Providing for a State Pension for Seth B. Dresser, of Lewiston.

H. P. 848, Resolve Providing for a State Pension for Vida Sprague, of Belgrade.

H. P. 851, Resolve Providing for a State Pension for Wesley Fernald, of Franklin.

H. P. 853, Resolve Providing for a State Pension for Eva Miller, of Gardiner.

H. P. 854, Resolve Providing for a State Pension for Alice Ann Meader, of Gardiner.

H. P. 855, Resolve Providing for a State Pension for Mildred B. Wentworth, of Gardiner.

H. P. 858, Resolve Providing for a State Pension for William A. Shaw, of Farmingdale.

H. P. 859, Resolve Providing for a State Pension for Sidney C. Harden, of Sandy River Plantation.

H. P. 933, Resolve Providing for an Increase in State Pension for Hattie Milliken, of Hampden.

H. P. 934, Resolve Providing for a State Pension for Raymond Saunders, of Sedgwick.

H. P. 935, Resolve Providing for a State Pension for Everett E. Trask, of Nobleboro.

H. P. 938, Resolve Providing for a State Pension for Harry E. Libby, of Pittsfield.

H. P. 941, Resolve Providing for a State Pension for Inez Dow, of Alexander.

H. P. 944, Resolve Providing for a State Pension for Raymond Longway, of Rumford.

H. P. 945, Resolve Granting State Pension to Claude Rogers, of Newburg.

H. P. 946, Resolve Providing for an Increase of State Pension for Guy Howland, of Caswell.

H. P. 947, Resolve Providing for a State Pension for Charles Cote, of Limestone.

H. P. 948, Resolve Providing for a State Pension for Georgie W. Whiting, of Turner.

H. P. 949, Resolve in Favor of Mildred W. Bryant, of Bristol.

H. P. 950, Resolve Providing for a Pension for George F. Harrington, of Bethel.

H. P. 1035, Resolve Providing for an Increase in State Pension for Arlond W. Raynor, of Auburn.

H. P. 1038, Resolve Providing for an Increase in State Pension for Simeon K. Cram, of Montville.

H. P. 1039, Resolve in Favor of William S. Cummings, of Stacyville.

H. P. 1040, Resolve Providing for a State Pension for Arthur Theriault, of Casco.

H. P. 1041, Resolve Providing a Pension for Nellie Guild Hutchinson, of Canton.

H. P. 1042, Resolve Granting State Pension to Stephen Webber, of Pittston.

H. P. 1044, Resolve Providing for an Increase in State Pension for Ernest C. Palmer, of Pittston.

H. P. 1046, Resolve in Favor of Mrs. Lucy O. Shea, of Pittston.

H. P. 1047, Resolve in Favor of Effie B. Hall, of Houlton.

H. P. 1049, Resolve in Favor of Annie L. Farrar, of Houlton.

H. P. 1050, Resolve in Favor of Roy Stevenson, of Dixmont.

H. P. 1051, Resolve Providing for a Pension for Mrs. Mary Stetson, of Greene.

H. P. 1052, Resolve Providing for a Pension for Effie A. Morse.

H. P. 1276, Resolve Providing for a State Pension for Estelle Creamer, of Waldoboro.

H. P. 1278, Resolve in Favor of Earl J. Haskell, of Rockland.

H. P. 1296, Resolve Granting State Pension to Ethel Prime, of Vassalboro.

H. P. 1297, Resolve Granting State Pension to Percy Jakins, of Winslow.

H. P. 1298, Resolve in Favor of Alec Pelkey, of Caribou.

H. P. 1299, Resolve in Favor of William Joseph Langen, of Caribou.

H. P. 1300, Resolve Providing for a State Pension for Blanche French, of Carmel.

H. P. 1301, Resolve Providing for an Increase in State Pension for George W. Worthing, of Levant.

H. P. 1302, Resolve Granting State Pension to Rachel Towne, of Kennebunk.

H. P. 1304, Resolve Providing for a State Pension for Lillian M. Sterling, of Augusta.

H. P. 1305, Resolve Providing for an Increase in State Pension for Edward Leighton, of Gardiner.

H. P. 1324, Resolve Providing for a State Pension for Halbert S. Libby, of Millinocket.

H. P. 1460, Resolve in Favor of Emma M. Wakefield, of Bath.

Reported the same in a Consolidated Resolve, (S. P. 545) under a new title, "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons," and that it ought to pass.

Which report was read and accepted, and the resolve laid upon the table for printing under the joint rules.

Divided Reports

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Liability of Relatives to Support Recipients of Public Assistance," (S. P. 361) (L. D. 668) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

(signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

GRUA of Livermore Falls
PAYSON of Portland
BRIGGS of Hampden

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

McGLAUFN of Portland
HINCKLEY of So. Portland
WILLIAMS of Bethel
MILLS of Farmington

Miss LAUGHLIN of Cumberland: Mr. President, I move the acceptance of the Majority Report, "Ought to Pass as Amended by Committee Amendment A". And I will say in connection with that, that this bill, Legislative Document 668, makes liable the husband, wife, father, mother, grandparent, child or grandchild of a recipient of public assistance of any nature or of a person liable to become in need of such assistance.

The amendment cuts out the words, "or of a person liable to become in need of such assistance", and also in the 2nd paragraph of the bill it cuts out "an applicant for public assistance", so that the

assistance must have been granted before this matter of taking action against the relatives for support and not merely when the recipient becomes an applicant or is proven to be in need.

Thereupon, the Majority Report was accepted and the bill was given its first reading. Committee Amendment A was read as follows:

"Committee Amendment 'A' to S. P. 361, L. D. 668, Bill An Act Relating to the Liability of Relatives to Support Recipients of Public Assistance. Amend Section 1 of said bill by striking out in the 4th and 5th lines thereof the words 'or of a person liable to become in need of such assistance'; and

"Further amend said bill by striking out in the 6th and 7th lines of Section 2 thereof the words 'or is an applicant for public assistance.'"

Committee Amendment A was adopted and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A.

Sent down for concurrence.

The Majority of the same Committee on "Resolve Proposing An Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council for a Term of Four Years (S. P. 354) (L. D. 669) reported that the same ought to pass.

(signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

BRIGGS of Hampden
GRUA of Livermore Falls
PAYSON of Portland
MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

WILLIAMS of Bethel
HINCKLEY of So. Portland
McGLAUFN of Portland

On motion by Mr. Farris of Kennebec, the Majority Report of the Committee "Ought to Pass" was ac-

cepted and the Resolve was given its first reading.

Thereupon, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

The Majority of the Committee on Judiciary on "Resolve Proposing Amendments to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State, and Ratifying and Approving a Legislative Enabling Act Providing for Appointment of the Treasurer upon Approval of this Resolve," (S. P. 75) (L. D. 49) reported the same in a new draft (S. P. 546) under a new title, "Resolve Proposing an Amendment to the Constitution to Provide for Appointment of the Treasurer of State by the Governor and Council," and that it ought to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

PAYSON of Portland
BRIGGS of Hampden
HINCKLEY of South Portland
MILLS of Farmington
GRUA of Livermore Falls.

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

WILLIAMS of Bethel
McGLAUFLIN of Portland

Miss LAUGHLIN of Cumberland
Mr. President, I move that the Majority Report of the committee be accepted. In that, I might add that this is the method and the bill as finally proposed by the Code Committee.

The motion prevailed and the Majority Report "Ought to Pass in New Draft" was accepted and the resolve in new draft was laid upon the table for printing under the joint rules.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Compensation of Justices upon Retirement," (S. P. 315) (L. D. 821) reported the same in a new

draft (S. P. 547) under the same title, and that it ought to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland
HARVEY of York
FARRIS of Kennebec

Representatives:

HINCKLEY of So. Portland
GRUA of Livermore Falls
WILLIAMS of Bethel

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

PAYSON of Portland
MILLS of Farmington
McGLAUFLIN of Portland
BRIGGS of Hampden

Miss LAUGHLIN of Cumberland:
Mr. President, I move that the Majority Report of the committee be accepted and in making that motion I want to say that this bill, L. D. 821, provides that a retired justice shall not act as attorney or counsellor in actions against the state. We being convinced that that is as purely unconstitutional as the previous one, the amendment provides or rather, the new draft provides that the provisions shall not apply except to justices appointed after the effective date of this act so that in that way it would be perfectly constitutional. It could not apply constitutionally, in the opinion, the unanimous opinion of the committee, to any justices who have already been appointed; but it could apply to justices who are appointed after the effective date of the act. It was the opinion of the committee, as represented by the majority report that there should be a restriction upon after-appointed justices merely; not that they be prohibited from practicing law but that they shall not take part as attorney or counsellor in actions in which the state is an adverse party.

Thereupon, the majority report "Ought to Pass in New Draft" was accepted and the bill in new draft was laid upon the table for printing under the joint rules.

Orders of the Day

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, bill, An Act Relating to Pre-Marital Examinations (S. P.

412) (L. D. 637) tabled by that Senator on April 7th pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, Resolve in Favor of Wilfred Duquette of Brunswick (H. P. 1106) (L. D. 1046) tabled by that Senator on April 7th pending passage to be engrossed; and that Senator presented Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A'. Amend said resolve by striking out the figures '1941' wherever they appear in the sixth line thereof and substituting in place thereof the figures '1940'."

Senate Amendment "A" was adopted and the resolve as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table House Report—Majority Report, "Ought Not to Pass"; Minority Report, "Ought to Pass" on bill, An Act Relating to Disclosure Commissioners (H. P. 1581) (L. D. 932) tabled by that Senator on April 5th pending acceptance of either report; and on further motion by the same Senator, the Majority Report, "Ought Not to Pass" was accepted in concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, Senate Report: Report A "Ought Not to Pass"; Report B "Ought to Pass as Amended" by Committee Amendment 'A' on bill, An Act to Prevent Fraudulent Advertising (S. P. 345) (L. D. 662) tabled by that Senator on March 31st pending acceptance of either report; and that Senator yielded to the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I move the acceptance of Report "B" as amended by Committee Amendment "A". In making this motion, I would like to make just a few remarks. This bill is very short, entitled An Act to Prevent Fraudulent Advertising and provides in substance that any person et cetera who directly or indirectly advertises any assertion, representation or statement of fact

which is untrue, deceptive or misleading, shall be guilty of a misdemeanor. The act then exempts newspapers, radio stations, magazines and other publications which publish such advertisement in good faith without knowledge of its false, deceptive or misleading character.

This bill is really sponsored by chambers of commerce and boards of trade who asked me to introduce the bill. It is designed not to protect the merchants, but the customers and to prevent the customers from being summoned into stores by so-called "gyp artists" who print misleading advertisements in order to get customers in there.

Maine is one of six states in the Union which does not have such an act as this. The other states are New Mexico, Arkansas, Mississippi, Georgia and Delaware.

The enforcement of this act would not cost the state a cent. It would be enforced by chambers of commerce and boards of trade who find a store is abusing public confidence, and naturally any organization or person is going to be very slow to use such a remedy as this in hailing into court another concern which they accuse of fraudulent advertising. It would be better business bureaus and chambers of commerce who would enforce this and usually after very careful investigation indeed. With the statute on the books there is seldom anything done except explanations made. Without the statute it is impossible to put pressure where it belongs.

I trust the Senate will accept Committee Report "B".

The motion to accept Committee Report "B", "Ought to Pass as Amended by Committee Amendment 'A'" prevailed, and the bill was given its first reading.

Committee Amendment "A" was read as follows:

"Committee Amendment 'A'. Amend Section 1 by inserting before the word 'deceptive' in the next to the last line of said section the words 'or designed to be'. Amend section 2 by inserting after the word 'publisher' in the second line thereof the words 'or printer'."

Thereupon, Committee Amendment "A" was adopted; and under suspension of the rules, the bill was given its second reading and passed

to be engrossed as amended by Committee Amendment "A".
Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary; Majority Report, "Ought to Pass as Amended by Committee Amendment 'A'"; Minority Report, "Ought Not to Pass" on Resolve Providing an Amendment to the Constitution Providing for a Four Year Term for Governor (S. P. 294) (L. D. 504) tabled by that Senator on April 3rd pending acceptance of either report.

Mr. FARRIS: Mr. President, I move the acceptance of the Majority Report, "Ought to Pass as Amended by Committee Amendment 'A'."

The PRESIDENT: The question is on the motion to accept the Majority Report of the Committee, "Ought to Pass" as amended by Committee Amendment 'A'.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I desire to second the motion of the Senator from Kennebec, Senator Farris, for the acceptance of the Majority Report on Resolve Proposing an Amendment to the Constitution Providing for a Four Year Term for Governor of this state.

If there ever was any real argument presented years ago for the change from yearly to biennial sessions of the legislature and the election of a governor, those arguments equally as well apply today. The necessity of a continuance of legislative action except in some emergency, when a special session can easily be called, is something that under the conditions that prevail in this state and this country today should be entirely avoided. It is absolutely necessary, so complex is society, that members of the legislature, governors of a state should have a longer term of office that they may be familiar, not only with the machinery of legislation and the machinery that goes with the governorship, but that they shall be, by a long term, experienced in the ways of the law, they not as a rule being lawyers, themselves; experienced in the law not for interpretation of laws that have been enacted but for understanding the law as new laws may relate themselves to the body politic and also

the necessity, perhaps, of changes in the laws that have been enacted. All those things can be done only by a legislator who has had considerable experience.

We all know how difficult it is for a first term senator or representative to do effective work in the legislature unless he is a very exceptional person. We know how well he does it, comparatively, when he is in his second term.

Now, what I have just stated applies to a legislator, but it equally applies to a governorship. Certainly a governor of a state who is there for this year and this and this and this, for a term of four years, he is no dictator. He is put there by the people and at the end of that term he can be forced out. Certainly he can be familiar with the needs of the state, and being familiar with those needs, find himself very capable of expressing to the people of the state in various ways, what he thinks ought to be done. I know it is said that a governor who was elected for a term of four years might be a bad governor and we should be very loath and very slow about enabling a poor governor to occupy that office for four years, but I should like to have someone present to the Senate the yard stick by which they could measure why a governor is poor. Certainly we can look in the past and find many people who thought certain governors were the very worst who could occupy the office, and we can find those who can find governors who have occupied the office and have done it well. There is perhaps someone who doesn't like a governor and what he has done and doesn't like his relationship to poor politics, in its worst meaning. For some reason, someone says he is a poor governor, but we can find overwhelming numbers of those who say he is a good governor. If we could have this yard-stick by which we could measure a good governor or a bad governor we might have something to say as to how long he should occupy that chair, but having that yard-stick I think it is very likely we would limit the governor to six months if he could have fear he would be a poor governor, if elected.

Under this report, if the majority report is adopted, it seems very suitable to qualify the assertion that a governor should serve only four years, to qualify that by say-

ing that he could then thereafter not immediately succeed himself. That is, he could not serve another term immediately following that one, but because he might be a good governor—and most governors are good governors in many ways, a thousand ways—and because he might be the right person to occupy that office after another four years, then we say by this amendment that he can be elected again, omitting a term between. Omitting the term between is for the sole purpose of removing from him that which is exceptionally strong to every human being, temptation; the temptation to use his office, having it only for a term of two years, temptation to use the power of office to perpetuate himself for another two years. Just as much as he does it, he loses the capabilities that should be devoted to state affairs and the people of this state. The removal of that temptation is perhaps the fundamental thing underlying this bill. It isn't the only stone in the foundation but it is one of the underlying things in the meaning of this bill.

Temptation is a very familiar thing. It is overwhelming. It destroys us provided the temptation is of a kind that appeals to us. It is not for nothing that in the Lord's Prayer we say, "Lead us not into temptation" because if temptation comes to me, I am lost entirely. If it were possible it would be well to pass a law to provide for the removal of temptation from everyone. That we would like to do it for the governor, that he may not be tempted to use his office for appointments or lack of appointments to perpetuate himself for another two years. This change would give a governor four years and would say, "Apply yourself to the affairs of state and then go home and stay four years and if we think you are a good governor and if circumstances require your services, we will elect you, but you cannot use the office for the purpose of continuing yourself there. I think this is all that can be said. I submit that the underlying stone in the foundation was temptation. I did previously speak of something else, that we should have a continuance in office whether it applies to those employees in the state, employees or heads of departments, or members of the legislature or the governor, himself; a continuance in office that

enables that person, employee, head of department, legislator or governor to do effective work, the right work for the people of this state.

I trust the Senate will approve the motion of the Senator from Kennebec, Senator FARRIS, the motion to accept the report of the Committee, "Ought to Pass."

Mr. FARRIS: Mr. President, when the vote is taken, I ask for a division.

Mr. HILDRETH of Cumberland: Mr. President, may I ask if the Secretary is in possession of the Committee Amendment, and if it may be read.

The Secretary read Committee Amendment "A."

"Committee Amendment A. Amend Section 2 by inserting in the 4th line thereof before the word 'succeed' the word 'immediately'; and

Further amend Section 2 by adding at the end of said Section the following sentence: 'This amendment shall become operative January 1, 1944.'"

Miss LAUGHLIN of Cumberland: Mr. President, this report, "Ought to Pass" was signed by eight members of the Judiciary Committee and the Minority Report was signed by two members. My reasons for supporting this amendment are that it will mean more efficient government. It is almost universal that a governor who has served one term of two years is elected for another term of two years, making it four, but the great difference is that it is inevitable that being a candidate again, sometimes a great deal of his time is devoted to campaigning for re-nomination and re-election, which is not for the benefit of the state; and with this bill which makes it impossible for him immediately to succeed himself there will be no occasion at all for him to make his conduct in any way effected by a question of re-election. The only difference in the amendment and the bill is that the amendment provides that he shall not "immediately" succeed himself. So it seems to me in practical results it is very much as it is today, a governor for four years only, but he will have to devote his full time to the service of the state. It is human nature if he is up for re-election, some of his time will go to campaigning for re-election.

Mr. DOW of Oxford: Mr. President, I hope the motion of the Senator from Kennebec, Senator Farris, does not prevail. I have listened with interest to the reason for the bill and I sympathize with its introduction. I think it stops the governor from running for a second term, and perhaps that is a good idea. But I do not see anything about stopping him from running for Congress or the United States Senate. He can build himself up pretty well during those four years so he can spend his time campaigning for one of these offices instead of running for a second term as Governor. If an amendment were offered to that effect, prohibiting him from running for any office, I think the proponents would have something they are trying to get, but until that time I hope the majority report will not be accepted.

The PRESIDENT: The question is on the acceptance of the Majority Report, "Ought to Pass as Amended by Committee Amendment 'A'". The Senator from Kennebec, Senator Farris, has asked for a division. Is the Senate ready for the question?

A division of the Senate was had. Fourteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Dow of Oxford, the minority report, "Ought Not to Pass" was accepted. Sent down for concurrence.

On motion by Mr. Dow of Franklin, the Senate voted to take from the table Senate Report from the Committee on Agriculture, Majority Report "Ought to Pass as Amended by Committee Amendment A", Minority Report "Ought Not to Pass" on bill, An Act Relating to the Stipend for Agricultural Societies (S. P. 90) (L. D. 95) tabled by that Senator on April 3rd pending acceptance of either report.

Mr. DOW of Franklin: Mr. President, I move the acceptance of the Minority Report "Ought Not to Pass":

The difference of opinion that has developed in the Committee on Agriculture in connection with this bill is over the method of policing our agricultural fairs.

The minority report would continue the present system which we believe is adequate. The other pro-

posal set forth in Committee Amendment A would make the State Police responsible for law enforcement at all the agricultural fairs in the state.

Under the present law the Commissioner of Agriculture has the power to enforce the laws. In addition to this, Sheriffs and their Deputies are available for this purpose. Furthermore the fairs have the right to appoint as many special officers as may be necessary to see that the laws are complied with.

It seems wholly unnecessary to add the State Police to all these other agencies which already have the duty of enforcing the law.

Local law enforcement officers know the people. They know the conditions. They operate in plain clothes and are therefore better able to detect such things as crooked gambling schemes because they have no uniforms which immediately reveal their identity.

If you make the State Police responsible the local officers will naturally have less reason to do their work effectively.

But I am opposed to giving the State Police this duty for another reason. The State Police have become one of the most necessary and most important departments of our state government. They are needed upon our highways. They are needed there to reduce the number of accidents and deaths. They are needed in murder cases and other serious crimes. There is much more important work to be done by our State Police than attending agricultural fairs.

I am opposed to anything that will weaken and impair the efficiency of our State Police force. Committee Amendment A would certainly have that result.

There are about 28 agricultural fairs in the State of Maine running through August, September and into October. Several officers would have to be assigned to each fair just when they are needed most upon the highways.

Now a new administration of the State Police is just starting under Chief Henry P. Weaver. I do not think this Legislature wants to pass a bill that will seriously handicap him in his efforts. I think we should give him our full cooperation. I have a letter here from the Chief of the State Police, Chief Henry P. Weaver:

STATE OF MAINE
Office of State Police
Augusta

March 31, 1941.

Senator Clinton H. Dow
Senate Chambers
State House
Augusta, Maine

Dear Sir:

I have been advised that you wish my opinion regarding a proposed law which would make the State Police responsible for the policing of the midways at our Agricultural Fairs.

I wish to make it plain to you, and to the other members of the Legislature, that it is not my intent in any way, attempt to influence legislation. I am, however, only too glad to submit a statement of facts for the consideration of the several committees.

I have adopted a policy, whereby I hope to keep the members of this department confined to Highway work, in so far as possible. This I believe, is in keeping with our present statutes, as it appears this department was created principally for the enforcement of the motor vehicle laws.

Under our present set-up, and with our present personnel, the work of enforcing the motor vehicle laws, and in cooperating with other law enforcement agencies throughout the State for the enforcement of criminal laws in general, uses the entire strength of this department.

However, if the Legislature sees fit to give us added responsibility we will of course, make every effort to enforce such laws. It appears that for us to assume the responsibility of enforcing the gambling laws at the Agricultural Fairs, would gravely curtail our Highway activities. I say this, because so many of these Fairs will be in progress during the height of our traffic season.

I have recently discussed this matter with members of the State Agricultural Department, and have assured them that we will render all aid possible to their field representatives, in the enforcement of their laws at the Fairs.

If the members of the Legislature feel that it is more important to police the Midways at these Fairs than to patrol the public Highways

of the State, we will make every effort to do so.

It must be remembered that when you are operating with personnel of approximately one hundred men, and additional duties are given to them, that it only means that the regular service must suffer.

Very truly yours,

HENRY P. WEAVER, Chief
Maine State Police

Chief Weaver recently made an address in which he was quoted by the Press as follows:

"State Police Chief Henry P. Weaver today told the Legislative Committee on Motor Vehicles that 'hundreds of accidents were caused simply because the roads were not properly protected.'

"Weaver laid the situation to the fact several State policemen were employed in the Department of State, investigating motor vehicle law violations and examining drivers."

Now I think this clearly shows that Chief Weaver believes he needs every possible member of the force in order to give our citizens the protection they need on our highways and in solving serious crimes.

And so, Mr. President, I hope this Senate will stand by the new Chief and refuse to burden his department by requiring the use of State Officers at the fairs.

Mr. FINDLEN of Aroostook: Mr. President, I hope that the motion of the Senator from Franklin, Senator Dow, does not prevail. I am sorry to speak in opposition to my friend, Senator Dow, because we have been in this legislature for quite some time. I think this is the first time that we have been in opposition on any measure but I find myself obliged, under these circumstances, to explain to this Senate some of the things with reference to this particular measure.

Very early in the session the Agricultural Committee was called to the office of the Commissioner of Agriculture with reference to this problem of stipends to agricultural fairs. We discussed this problem with him at quite some length. He called our attention to the law and asked us to remedy it.

We now appropriate something like \$16,000 for stipends to agricultural fairs. The law provides that two cents per inhabitant of the state be set up for that purpose.

Now, what really happens under the present law? The Commissioner of Agriculture appoints agents to inspect the fairs as to the quality and quantity of their agricultural product and to report to him so that he may pay the stipends. It further provides that these inspectors, or others, shall report to the Commissioner of Agriculture with reference to gambling, illegal sale of liquor or immoral shows. He in turn, if these are adverse reports, may withhold the stipend from agricultural fairs or societies.

Now, these inspectors who are sent out have no authority to enforce the law. Their problem is to look up the superintendent of grounds. He in turn looks for the sheriff or an enforcement officer. And they then proceed to stop such games or gambling or immoral shows or the illegal sale of liquor, as they see fit.

Now, as you well know, the games are stopped for a period and when the officer's back is turned the game is opened up again, either the same game or a worse one, and so the gambling continues, the immoral shows continue and we have what we have all witnessed on fair grounds, a great many things that we do not like. We do not want to subject our children to these things. We dislike this gambling racket and I do not think the fair associations want it.

Each year this stipend has to be held up. I can remember since I have been in the legislature that every single year this stipend has been held up and then we put in a resolve for a claim to the legislature so that the legislature in turn, in spite of the gambling and the immoral shows and what-not, turns right around and pays to the fairs their stipend.

Realizing this, the committee, in bill 95 which I think is on your desks, cut out the two passages with reference to gambling, illegal sale of liquor and immoral shows thereby leaving the enforcement of the law in the hands of the sheriffs of the several counties and to ordinary police officers.

This came to our committee in this form and we found quite a bit of opposition to it on the ground that each fair would have a different kind of enforcement. The sheriff in one county, not seeing eye to eye with the sheriff of another county, would allow certain things to go on

at certain fairs, and we had no uniformity of law enforcement.

We have worked conscientiously and patiently with this bill. We have adopted, or we have asked you to adopt, the committee amendment which you find on your desks, and I propose to read it. It makes a new section to the bill after cutting out the other two sections and it reads as follows:

"Law enforcement at agricultural fairs. The chief of the state police shall assign members of the state police to special duty at all agricultural fairs for the purpose of enforcing the laws of the state. All local and county law enforcement officers are hereby directed to cooperate with the state police. In case the said chief of police discovers that any agricultural club, society, or fair association permits illegal sale of liquor, gambling or exhibitions of immoral shows at any such fair, he shall report the fact to the Commissioner of Agriculture who may on such report refuse to pay the stipend provided for in this chapter."

Now, we want the same type of enforcement at all fairs of the state and we know of no other way to get that unless we put this under the direction of a state law enforcement agency, and the only one we knew about was the highway police. We also believed that the highway police were the most respected law enforcement agency that we knew about. If a highway policeman walks down the midway and says to a racketeer that he must close his shell game or what-have-you, I just believe that man is going to close it up. If he doesn't, I suspect that he will be called before the judge immediately.

Now, there isn't any shortage of highway police at fairs. At any particular fair I think we can find three or four or five at any one time. They are very necessary to look after the traffic, and it won't take them too long to go down the midway and to decide what shows should run and what shows should not. I believe we want a cleaner midway. We want this racketeer type of gambling stopped. All the fair associations are in favor of this amendment except one. All the church societies are in favor of this amendment. As evidence of that I have a stack of unsolicited letters right here. I am not going to take

the time of this Senate to read the numerous ones but I want to call your attention to the number there are here. I would like to read one or two because I have a great deal of respect for these particular men.

This one comes from the Reverend Cymbrid Hughes of Augusta:

"I am very glad to notice that an amendment is proposed to L. D. 95 providing that illegal gambling and liquor selling and immoral shows shall not be allowed at fairs and requiring the State Police to enforce it.

"I can scarcely imagine anyone who cares for the good reputation of our fair men suggesting allowing these things and I earnestly hope you will use your influence in favor of the amended bill."

There is one here from Reverend William Wood of the Penney Memorial United Baptist Church; and one from the First Baptist Church of Farmington, Maine, the same section in which Senator Dow lives, I believe. The pastor of this church writes, "We are all very anxious to keep our Maine fairs clean and attractive. I hope you will do your utmost to have the amendment on bill L. D. 95 pass. It will surely help toward this worthy end."

I won't attempt to read any more. I just wish to say that if you do not pass this measure you will be right back where you started. You will have the same type of midway and the same type of gambling and immoral shows and next session stipends will have been held up and you will be called upon to pass claims to pay several stipends to several fairs. Let's be consistent. Let's remedy the situation cure the evil and go along with the times. I hope the motion of Senator Dow does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Dow, that the Minority Report of the committee "Ought Not to Pass" on bill, An Act Relating to Stipends for Agricultural Societies, be adopted. Is the Senate ready for the question?

Mr. FRIEND of Somerset: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The Senator from Somerset, Senator Friend, asks for a division.

A division of the Senate was had Six having voted in the affirmative and twenty-four opposed, the Minority Report "Ought Not to Pass" was not accepted.

Thereupon, on motion by Mr. Findlen of Aroostook, the Majority Report of the Committee "Ought to Pass as Amended by Committee Amendment A" was accepted and the bill was given its first reading. Committee Amendment A was read as follows:

"Committee Amendment 'A' to S. P. 90, L. D. 95; bill, An Act Relating to the Stipend for Agricultural Societies.

"Amend said bill by adding at the end thereof the following:

'Sec. 3. R. S., c. 39, S26-A, additional. Chapter 39 of the revised statutes is hereby amended by adding thereto a new section 26-A, to read as follows:

'Sec. 26-A. Law enforcement at agricultural fairs. The chief of the state police shall assign members of the state police to special duty at all agricultural fairs for the purpose of enforcing the laws of the state.

All local and county law enforcement officers are hereby directed to cooperate with the state police.

In case the said chief of police discovers that any agricultural club, society or fair association permits illegal sale of liquor, gambling or exhibitions of immoral shows at any such fair, he shall report the fact to the commissioner of agriculture who may on such report refuse to pay the stipend provided for in this chapter."

Committee Amendment A was adopted and, under suspension of the rules the bill as amended by Committee Amendment A was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.