

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

Saturday, April 26, 1941.

The Senate was called to order by the President.

Prayer by the Reverend A. T. McWhorter of Augusta.

Reading of Journal of yesterday.

**Senate Committee Reports
Ought Not to Pass**

The Committee on Ways and Bridges on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River," (S. P. 287) (L. D. 415) reported that legislation is inexpedient.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

The same Committee on Bill "An Act Reapportioning the Expenditure of the General Highway Fund," (S. P. 182) (L. D. 217) reported that the same in a new draft (S. P. 570) under same title, and that it ought to pass.

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

The PRESIDENT: The Senate is proceeding under Orders of the Day.

Orders of the Day

On motion by Mr. Friend of Somerset, the Senate voted to take from table, House Report from the Committee on Taxation "Ought Not to Pass" on bill An Act Imposing a Consumers' Tax (H. P. 1559) (L. D. 907) tabled by that Senator on April 24th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report was accepted in concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to take from table, House Report from the Committee on Taxation "Ought Not to Pass" on An Act Imposing an Excise Tax on Electricity, (H. P. 1472) (L. D. 606) tabled by that Senator on April 24th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report was accepted in concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table House Report from the Committee on Judiciary—Majority Report "Ought Not to Pass" Minority Report "Ought to Pass" on Resolve Proposing an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxation (H. P. 1391) (L. D. 769) tabled by that Senator on April 8th pending acceptance of the majority report in non-concurrence; and on further motion by the same Senator, the majority report of the committee, "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table, bill, An Act Providing for Funds for Old Age Assistance and Homestead Taxation Relief and Imposing a Gross Sales Tax (H. P. 1919) (L. D. 1147) tabled by that Senator on April 24th pending consideration; and on further motion by the same Senator, the bill was ordered placed in the legislative files, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, House Report from the Committee on Taxation "Ought Not to Pass" on bill, An Act Imposing a Tax on Salaries and Wages (H. P. 1595) (L. D. 907) tabled by that Senator on April 23rd pending acceptance of the "ought not to pass" report in concurrence; and on further motion by the same Senator, the "ought not to pass" report of the committee was accepted in concurrence.

From the House, out of order, and under suspension of the rules:

The Committee on Ways and Bridges on Bill "An Act Relating to Maintenance of Bridges," (H. P. 1498) (L. D. 594) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Chaplains of the Senate and House of Representatives be paid the usual compensation according to lists certified to the State Controller by the Secre-

tary of the Senate and the Clerk of the House respectfully. (H. P. 1934)

Which was read and passed in concurrence.

Bill "An Act Relieving Towns from Certain Maintenance Costs on Roads." (H. P. 1936) (L. D. 1176)

(In the Senate on April 25th report read and accepted, and passed to be engrossed in non-concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendment "F" in non-concurrence.

In the Senate: Passage to be engrossed reconsidered, House Amendment "F" read and adopted in concurrence, and the bill as so amended passed to be engrossed in concurrence.

The PRESIDENT: The Chair at this time wishes to announce the appointment of the committee created by the special session of the Eighty-ninth Legislature, Chapter 315, An Act to Create a Legislative Research Committee. Under section 42-a the legislature provided, and I quote: "There is hereby created a legislative research committee, which shall consist of three senators to be appointed by the President of the Senate and seven representatives to be appointed by the Speaker of the House of Representatives. Such appointment shall be made during each regular session of the legislature and shall, as far as possible, be so distributed as to make the committee representative of all sections of the state and of the relative party membership in each house." The Chair appoints the Senator from Oxford, Senator Dow; the Senator from Cumberland, Senator Hildreth and the Senator from Androscoggin, Senator Boucher.

The PRESIDENT: Under the provisions of chapter 254 of the laws of 1933, An Act Relating to Expenditures in Connection with the Nomination of Candidates for Election to Office, section 6 provides, and I quote: "Before the adjournment of the legislature biennially, it shall be the duty of the president of the Senate to name two members on the part of the Senate, of the speaker of the House to name three members on the part of the

House, to serve as a special committee to investigate the expenditures made and liabilities incurred by and on behalf of candidates seeking nomination to elective office and such committee shall meet in Augusta within five days next following any primary election, or convention to examine returns of expenditures made under the provisions of chapter 7 of the revised statutes as amended and all returns made in accordance with the provisions of this act." On that committee, the Chair appoints the Senator from Kennebec, Senator Fellows and the Senator from Androscoggin, Senator Harkins.

The PRESIDENT: This legislature has passed a resolve providing for the revision of the statutes and has authorized the President of the Senate and the Speaker of the House to appoint the committee, three from the Senate and seven from the House. On that committee the Chair appoints the Senator from Kennebec, Senator Farris; the Senator from York, Senator Harvey, and the Senator from Cumberland, Senator Libby.

Passed to Be Enacted (Out of Order)

Bill "An Act Relating to the Administration of State Institutions." (S. P. 565) (L. D. 1167)

Bill "An Act to Assist Rural Sanitation Activities." (H. P. 830) (L. D. 344)

Bill "An Act Imposing an Additional Gasoline Tax." (H. P. 1475) (L. D. 615)

Emergency Measures (Out of Order)

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943." (S. P. 488) (L. D. 1014)

Which bill being an emergency measure and having received the affirmative vote of 24 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943." (H. P. 1937)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

First Reading of a Printed Bill
(Out of Order)

Bill "An Act Reapportioning the Expenditure of the General Highway Fund." (S. P. 570) (L. D. 1177)

Which bill was read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Conference Committee Report
(Out of Order)

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (H. P. 1285) (L. D. 551) Bill "An Act Relating to the Inheritance Tax Law," have had the same under consideration, and ask leave to report that the House reconsider its action whereby it indefinitely postponed Senate Amendment "A" to House Amendment "A" and that Senate Amendment "A" to House Amendment "A" be adopted.

Which report was read and accepted.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table, bill An Act Relating to Pension of State Employees (H. P. 1275) (L. D. 545) tabled by that Senator on April 25 pending passage to be engrossed.

Thereupon, that Senator presented Senate Amendment A and moved its adoption: "Amend said bill by adding at the end of the second paragraph thereof, the following: 'provided, however, that the amounts granted to superintendents of schools under the provisions of Section 227 to 229 inclusive shall be paid out of the appropriation for the department of Education.' Further amend said bill by adding at the end thereof the following Section. 'Section 3. Duration of act. The amendments to Sections 228 and 229 of Chapter 1 of the Public Laws of 1933 provided for herein shall be effective until a general contributory pension law for state employees becomes effective, where-

upon, the aforesaid amendment shall become null and void.'"

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

Sent down for concurrence.

From the House: Out of order and under suspension of the rules:

Bill "An Act Relating to Inspectors in the Department of Secretary of State." (S. P. 500) (L. D. 1024)

(In Senate, on April 24th voted to accept the report of Committee of Conference, that the Committee is unable to agree)

Comes from the House, Committee of Conference Report rejected, and requesting another Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Representatives:

BREWER of Presque Isle

EDDY of Bangor

BANGS of Brunswick

In the Senate:

On motion by Mr. Elliot of Knox the Senate voted to adhere.

On motion by Mr. Friend of Somerset

Recessed until one o'clock this afternoon.

From the House, out of order and under suspension of the rules:

Communication

STATE OF MAINE

House of Representatives

Augusta

Office of Clerk

April 26, 1941.

To Honorable Royden V. Brown, Secretary of the Senate of the 90th Legislature.

Sir:

The Governor of the State having returned to the House

"Bill An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (L. D. 1033) with his objections to the same; the House proceeded to vote on the question

"Shall the bill become a law notwithstanding the objections of the Governor."

A Yea and Nay vote was taken; no members voted in the affirm-

ative and 129 in the negative, and accordingly the bill failed to become a law.

Respectfully,

HARVEY R. PEASE

Clerk of the House.

Which was read and ordered placed on file.

Passed to be Enacted

(Out of Order)

Bill "An Act Relieving Towns from Certain Maintenance Costs on Roads." (H. P. 1936) (L. D. 1176)

Mr. FINDLEN of Aroostook: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: There being no objection, the Senator has consent.

Mr. FINDLEN: Mr. President and members of the Senate, during my four years of service in the legislature of the state of Maine I have watched with a great deal of interest the doings of our good Senator Laughlin from Cumberland. I have been impressed by the manner in which she argues her case, the honesty of purpose, and the fine friend she has been to all the members of the legislature.

I deem it a very great pleasure to have been her seat-mate on this, our last session. In view of that fact and as a token of our appreciation of the work she has done for us and for the state of Maine, I present her with this bouquet of flowers. (Applause, the Senators rising.)

Miss LAUGHLIN of Cumberland: Mr. President, Senator Findlen and members of the Senate, just at this moment I feel a little like the woman who fell through the ice. A man ran up to try to reach her and he said, "Give me your hand." And she replied, "Oh, this is so sudden." I feel a little like that.

Speaking about another matter this morning and saying I was not prepared to speak, Senator Findlen said, "Oh, you can always talk." Well, he is mistaken. I cannot, quite. There are times when it is difficult, times when I feel like a small niece of mine who—and I hope you won't think it is characteristic—began at an early age to make speeches, rehashing sermons. One day, when she was about five years old—and I wasn't much older than she was so I might be excused for putting her up to it—I suggested to her that she make a speech and she said, "I've got lots in my heart but not

much in my think." I am a little that way today, Senator.

I certainly appreciate greatly your thought even though as at some other times in this legislature, we do not entirely agree. Nevertheless I do appreciate it very greatly and on this occasion, which may or may not be the last time I address this Senate, I want to say what it has meant to me in the 12 years that I have been in the Maine legislature to have had your courtesy and friendship. I have made here some lifelong friends, both men and women and with Browning I can say, "What a thing friendship is; world without end."

And so the pleasant and happy memories of the associations that I have had during this 12 years will remain with me always and it is impossible for me to express my feelings and my appreciation that my colleagues have this friendly feeling toward me. (Applause)

From the House:

The Committee on Ways and Bridges reported a Consolidated Resolve (H. P. 1932) under title of "Resolve for the Construction, Maintenance and Repair of Roads and Bridges," and that it ought to pass.

Which report was read and accepted in concurrence, the resolve read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

Finally Passed

(Out of Order)

"Resolve for the Construction, Maintenance and Repair of Roads and Bridges." (H. P. 1932)

Senate Committee Report

(Out of Order)

Final Report

Mr. Friend from the Committee on Ways and Bridges submitted its Final Report.

Which was read and accepted.

Sent down for concurrence.

Miss LAUGHLIN of Cumberland: Mr. President and members of the Senate:

I ask and assume the privilege of addressing the Senate for a brief period. In what I have to say, I shall find greater pleasure and sat-

isfaction than in any remarks I have hitherto made, for I know that no adverse argument will follow, there will be no amendment presented, there will be no conference committee to follow; that there will be such unanimous approval that it will be one of those matters which, by unanimous consent, will be passed without reference to a committee.

We are living in a time of change and stress, of changing values not only in practical matters but in morals and ethical standards. In this changing world, however, there are certain standards which endure, and will endure, which are eternal; truth, honor, fair play, and courage. It is in tribute to these qualities, Mr. President, that I, as the agent of this Senate, pay tribute to you. There is no member of this Senate but agrees that every ruling of yours, every act has been absolutely fair. No one could ask more of a presiding officer.

I have been given the temporary custody of material evidence of our trust and confidence in you and a perpetual reminder thereof — this watch. It characteristically is not a loud speaker; its voice is almost inaudible, but it does the job accurately and well.

It is with the hope and trust that all the years of your life will run as smoothly as does this watch, which now, on behalf of your colleagues in the Senate of the 90th Legislature, I present to you. (Applause, the members rising.)

Mr. TOMPKINS of Aroostook: Madame Senator and members of the Senate, this is a great surprise, of course. For two weeks I have been thinking what I should say. My first inclination was to say a simple, "Thank you." I can conceive of no words in the English language, when spoken from the heart, that could carry greater weight, but this would seem to be a weak and inadequate answer to the Senator from Cumberland. I am very much in the position of Voltaire who said, "I do not believe a word of what you say but I will fight to the last drop of my blood for your right to say it."

Our paths may not pass this way again. The world and our country are in troublesome conditions. We have had a long session of the legislature. Some of us may be disappointed in the results but, remember

this, that when this country's government was formed, it was a government of the governed. It was formed by the people themselves and any popular government is necessarily a government of concessions; and probably every man in the country, when our form of government was adopted, was not entirely satisfied with it in its entirety but such must be the result of any government that is formed by mutual agreement.

So, in this legislature we may not have hit the exact objective at which we were aiming but we have made concessions to those things which we desired and thereby reached an agreement and that is the working of a democracy.

I wish to express to the members of this Senate, my appreciation of the very fine cooperation which I have received. Without the cooperation of the members, no Body of a legislative character could be conducted with any degree of success. I hope that the words of the Senator from Cumberland, Senator Laughlin, may in some degree carry that consideration which every man desires more than tokens, which is more to be desired than favors that can be given him by kings, princes, or potentates and that is, the respect and the confidence of his fellow men.

I hope that you will all go home and have engrossed in your hearts the feeling that you have performed successfully your public duty.

I thank you.

Orders

(Out of Order)

On motion by Mr. Chase of Washington, it was

ORDERED, that the State Librarian be directed to forward bound copies of the Legislative Record to members and officers of the Senate, at their home addresses.

On motion by Mr. Friend of Somerset, it was

ORDERED, that the offices occupied by the President and Secretary of the Senate, and equipment therein, remain under their respective control.

On motion by Mr. Chase of Washington, it was

ORDERED, the House concurring, that the State Librarian mail

to each member and officer of the House and Senate, a copy of the Laws of this session when completed.

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, that the Superintendent of Buildings be directed to deliver to the Secretary of the Senate at his home, such equipment and supplies as the Secretary shall deem necessary for use in completing and indexing the Journal of the Senate.

On motion by Mr. Friend of Somerset, it was

ORDERED, that the desk and chair in the office of the President of the Senate, be presented to the President of the Senate, and delivered to his home address.

On motion by Mr. Friend of Somerset, it was

ORDERED that the offices occupied by the President and Secretary of the Senate, and the equipment therein remain under their respective control.

On motion by Mr. Harvey of York it was

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business which has come before it, and is ready to adjourn without day.

Which was read and passed.

The Senator from York, Senator Harvey was appointed to convey the message and subsequently reported that he had discharged the duty assigned to him.

A message was received from the House of Representatives by Mr. Hanold of Standish that that body had transacted all the business before it and was ready to adjourn without day.

On motion by Mr. Friend of Somerset, it was

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now

ready to receive any communication that he may be pleased to make.

The President appointed as members of such a committee on the part of the Senate:

Sensors:

FRIEND of Somerset
HILDRETH of Cumberland
BOUCHER of Androscoggin

**Communication
(Out of Order)**

STATE OF MAINE
House of Representatives
Augusta
Office of Clerk

April 26, 1941.

Hon. Royden V. Brown
Secretary of the Senate
90th Legislature

Sir:—

I have the honor, to transmit to you, a list of the members of the House appointed by the Speaker of the House to serve on the following committees:

Legislative Research Committee
PAYSON of Portland
MCNAMARA of Winthrop
FARWELL of Unity
BRIGGS of Hampden
LIBBY of Caribou
POULIN of Waterville
PELLETIER of Sanford
Committee on Election Expenditures

HANOLD of Standish
CROCKETT of North Haven
DONAHUE of Biddeford
Revision of the Statutes
HINCKLEY of South Portland
GRUA of Livermore Falls
MILLS of Farmington
SLOSBERG of Gardiner
SHESONG of Portland
SOUTHARD of Augusta
BELANGER of Winslow

Most respectfully,

HARVEY R. PEASE,

Clerk of the House.

Which was read and ordered placed on file.

Mr. BROWN of Aroostook: Mr. President, I consider it my great privilege to rise and say a few words of appreciation of a member of this Body, Senator Friend of Somerset. From point of service in this legislature, I believe he is the senior member of this legislature, having served three terms in the House and four terms in this Body. As a member of the Ways and Bridges Committee, I have been very much impressed with his wide knowledge

of the Highway system of Maine and of the intimate workings of the Highway Department, of his sense of honesty and his fairness and justice in attempting to serve the people of the state of Maine in that position.

The office of Chairman of the Ways and Bridges committee is one of the most important in the legislature as under his direction or through his influence about twenty million dollars of the state's money is apportioned for the two years.

I have been impressed with his sense of fairness and honesty, a man of rather retiring disposition but a friendly man and a man who is not seeking honor nor glory but only working for the best interests of the state.

I sincerely hope that two years from now he will be back in this Body, that the legislature and the people of Maine may continue to have his service. (Applause)

From the House, out of order and under suspension of the rules:

The Committee on Ways and Bridges on the several Resolves (see House Report) reported that the same ought not to pass.

Which was read and accepted in concurrence.

Passed to Be Enacted

(Out of Order)

Bill "An Act Relating to the Inheritance Tax Law." (H. P. 1285) (L. D. 551)

Bill "An Act Relating to Pensions of State Employees." (H. P. 1935) (L. D. 1175)

Emergency Measure

Bill "An Act Reapportioning the Expenditure of the General Highway Fund." (S. P. 570) (L. D. 1177)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted, and none opposed.

Mr. HILDRETH of Cumberland: Mr. President, on behalf of the Senate I would like to express our deep appreciation to the officers of the Senate, headed by our efficient Secretary with his corps of able and

loyal co-workers. Throughout the season they have rendered efficient, cheerful and courteous service and I know that each member of the Senate appreciates that service.

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

Mr. FRIEND from the Committee subsequently reported that the Committee had attended to the duties assigned it, and that the Governor was pleased to say that he would send communication to the two branches of the legislature forthwith.

Subsequently the following message was received from the Governor:

EXECUTIVE DEPARTMENT
Augusta, Maine

April 26, 1941

To the Honorable Senate and House of Representatives:

There is herewith transmitted a list of the Acts and Resolves passed by the present Legislature.

Of the total number passed I have approved 397 Acts and 146 Resolves. I have returned 1 Act without approval.

I am convinced that the record of this session will stand as a measure of the courage and strength of the 90th Legislature.

Having no further business to draw your attention, I wish you a safe journey to your homes.

Respectfully submitted,

SUMNER SEWALL

Governor of Maine

Which communication was received and ordered placed on file.

Sent down for concurrence.

Subsequently the foregoing communication was returned from the House read and placed on file in concurrence.

On motion by Miss Laughlin of Cumberland at 4:42 P. M. on April 26, 1941, NATHANIEL TOMPKINS, President, declared the Senate of the 90th Legislature adjourned without day.