

MAINE STATE LEGISLATURE

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Legislative Record
of the
Ninety-first Legislature

Second Special Session

September 18, 1944

SENATE

September 20, 1944.

The Senate was called to order by the President.

Prayer by the Rev. Cybrid Hughes of Augusta.

Journal of yesterday read and approved.

Senate Committee Report

Mr. Hanold from the Committee on Inland Fisheries and Game, and Mr. Emery from the Committee on Appropriations and Financial Affairs to which was referred jointly "Resolve Providing for Certain Construction of Fish Hatcheries and Rearing Stations," (S. P. 518) (L. D. 921) reported the same in a new draft, (S. P. 532) under the same title, and that it ought to pass.

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

On motion by Mr. Elliot of Knox, recessed until twelve o'clock noon today.

After Recess

The Senate was called to order by the President.

Passed to be Engrossed

From the House:

"Resolve in Favor of the Town of Burlington." (H. P. 1386)

Which was received by unanimous consent, and under suspension of the rules was read twice and passed to be engrossed in concurrence, without reference to a committee.

Passed to be Enacted

An Act to Revise and Consolidate the Public Laws of the State of Maine. (S. P. 523)

An Act to Repeal the Acts Consolidated in the Revised Statutes of the Year One Thousand Nine Hundred and Forty-four. (S. P. 524) (L. D. 934)

Order

(Out of Order)

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

ORDERED, the House concurring, that there be paid to the Officers of the Senate and House of Representatives for salaries, the

amounts included in lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs. (S. P. 533)

Sent down for concurrence.

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

Passed to be Engrossed

(Out of Order)

"Resolve Providing for Certain Construction of Fish Hatcheries and Rearing Stations." (S. P. 532) (L. D. 935)

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

Sent down for concurrence.

Senate Committee Report

(Out of Order)

Mr. Farris from the Committee on Judiciary out of order and under suspension of the rules, on Bill "An Act Authorizing the Withholding of the Federal Income Tax," (S. P. 528) (L. D. 932) reported that the same be referred to the 92nd Legislature.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

(Out of Order)

Mr. Harvey from the same Committee on Bill "An Act Providing for Sale and Distribution of Revised Statutes," (S. P. 529) (L. D. 933) reported that the same ought to pass, as amended by Committee Amendment "A".

"Amend said bill by inserting in the second line of Sec. 2, between the words 'a' and 'price', the word 'wholesale', and by striking out everything in the last line of said section after the word 'book stores' and adding in place thereof the following 'at said wholesale price.'"

Which report was read and accepted, and the bill read once; Committee Amendment "A" was read and adopted, and under suspension of the rules, the bill as amended was read a second time, and passed to be engrossed.

Sent down for concurrence.

Mr. McGlauffin from the same

Committee on Bill "An Act to Amend Chapter 76 of the Private and Special Laws of 1941, Providing for a State Office Building Authority," (S. P. 527) (L. D. 931) reported that the same ought to pass.

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

Sent down for concurrence.

Passed to be Engrossed (Out of Order)

From the House:

The Committee on Banks and Banking on Bill "An Act Authorizing Savings Banks, Loan and Building Associations and Trust Companies to Make Mortgage Loans under the Servicemen's Readjustment Act of 1944" (H. P. 1382) (L. D. 925) reported that the same ought to pass.

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

Divided Committee Report (Out of Order)

From the House:

The Majority of the Committee on Legal Affairs on Bill "An Act to Establish a South Portland Park and Recreation Commission," (H. P. 1384) (L. D. 927) reported that the same be referred to the 92nd Legislature.

(signed)

Senator: DUNBAR of Washington

Representatives:
PAYSON of Portland
DONAHUE of Biddeford
WARD of Millinocket
HASKELL of Portland

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

(signed)

Senator: SANBORN of Cumberland

Representative:
BARTLETT of Portland

In the House, the Majority report read and accepted.

In the Senate, on motion by Mr.

Dunbar of Washington, the majority report was accepted in concurrence.

On motion by Mr. Elliot of Knox
Recessed until two o'clock.

After Recess

The Senate was called to order by the President.

House Committee Report (Out of Order)

The Committees on Military Affairs and Appropriations and Financial Affairs jointly, on Bill "An Act to Aid Returning Veterans," (H. P. 1835) (L. D. 928) reported that the same be referred to the 92nd Legislature.

Which report was read and accepted in concurrence.

Passed to be Engrossed (Out of Order)

From the House:

The Committees on Pownal State School and Appropriations and Financial Affairs, jointly, on "Resolve Providing for Certain Construction at the Pownal State School," (H. P. 1380) (L. D. 923) reported the same in a new draft (H. P. 1387) (L. D. 936) under the same title, and that it ought to pass.

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

Mr. Buck from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature," (S. P. 519) (L. D. 922) reported the same in a new draft (S. P. 535) under the same title, and that it ought to pass.

Which report was read and accepted and the bill in new draft read once.

Thereupon Mr. Buck of Lincoln presented Senate Amendment A and moved its adoption: "Senate Amendment A. The rates of compensation hereinbefore set forth are hereby declared to express the legislative intent, any inconsistent provisions in the 1944 revision of statutes heretofore enacted notwithstanding."

Senate Amendment A was adopted.

Mr. FRIEND of Somerset: Mr.

President, may I ask if this is the increase in the salary bill?

The PRESIDENT: The Chair will say that it is.

Mr. FRIEND: And do I understand that the bill is reported in new draft?

The PRESIDENT: It is.

Mr. FRIEND: I move, Mr. President, that the new draft be read. The Secretary read the bill in new draft.

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

Sent down for concurrence.

Passed to be Engrossed (Out of Order)

Mr. Emery from the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Money for the Completion of the Eighth Revision of the Public Laws," (S. P. 525) (L. D. 930) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Appropriating Moneys to Provide for Carrying on the Activity of Aid to Dependent Children for the Remaining Months of the Fiscal Year Ending June 30, 1945" (S. P. 526) (L. D. 929) reported that the same ought to pass.

Which reports were severally read and accepted, and the bill and resolve read once; under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Final Committee Reports

Mr. Farris from the Committee on Judiciary submitted its final report.

Mr. Sanborn from the Committee on Legal Affairs submitted its final report.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. McGLAUFILIN of Cumberland: Mr. President, I would like unanimous consent to address the Senate.

The PRESIDENT: There being no objection, the Senator's request is granted.

Mr. McGLAUFILIN: Mr. President and gentlemen of the Senate, I want an opportunity to sing my swan song before the session is fin-

ished and I wish for just a few moments to impose upon you for the last time.

Speaking on the subject of the importance of public discussion, a well-informed public can be trusted but a prejudiced or uninformed public may be as dangerous as a mob, and I want to give a few illustrations.

When our present Senator Brewster was governor of Maine the so-called Ku-Klux-Klan had a very strong following in the state of Maine. They carried their prejudices to such an extent that they undertook to have the Constitution amended so that we could not appropriate any money from the state for sectarian schools. By the way, it was aimed at the Catholics and devoted to Catholic schools, and if I remember correctly while there were more than 20 Protestant schools affected by this measure, it was known as the "Barwise" bill. The hearing on that bill was held in the House, the House was packed as I have never seen it packed but once or twice in my experience. Two carloads of men came from Portland who belonged to the Ku-Klux-Klan and they had the hearing on this bill. The superintendent of schools opened the discussion and said that perhaps they had better allow the people to vote on it. That is all he had to say. Then the Honorable Max Pinansky was called upon to speak for the bill. Max got up and he addressed the House. He spoke about the American flag and about American schools and he never mentioned the subject under discussion in any way, shape or manner, and yet that crowd went wild and they gave him such a demonstration as I have never heard any man get outside of Theodore Roosevelt when he was in Lewiston and Portland.

The next man who spoke upon the subject was a man by the name of Leighton, a minister, and he said this: "I am not a Klan preacher, but I am a Klansman." They lifted the roof. He said, "This subject has got to be decided right and until it is decided right, we will fight and fight and fight and fight until it is decided right." He never mentioned what was right nor why it was right and that is all he said and yet the audience again fairly lifted the roof. Then former Attorney General Pattengall spoke for the opposite side. He gave a very

sound argument. When he got through three people in the hall clapped Mr. Pattengall. Then I came onto the scene and for twenty minutes I argued against that measure. When I got through there was just one, a Catholic priest, who had the courage to clap me. Others followed with the same result.

I merely mention that instance to show how far prejudice will go and how they will let bunk take the place of argument.

Now I want to diverge a little and tell one or two other cases that interested me. We had in this legislature when I came here in the House, Donald Philbrick, in my opinion one of the ablest men who ever sat in that House, a very hard worker, conscientious, and a man of great attainments. He afterwards served as Speaker of the House and later when he was running for the Senate he was defeated by a man who had had no experience and I will say that it was due to the fact that there was no public discussion on the merits of the candidates.

Now, I am getting down to myself. I have served in the legislature for eight years. Here are some of the things that have been accomplished in those years:

When I came up here in 1937 the state was two million dollars in debt; there were five thousand men on the Old Age Assistance lists who had not received their pay for several months; there wasn't money enough in the treasury to pay the town taxes that come to the state; there was practically no money at all. And that was the problem we had to face. In that eight years we paid back that two million dollars, we increased the Old Age Assistance from five thousand to fourteen thousand persons, we appropriated additional money for schools, and I have taken the trouble to look it up and I find that we reduced the public indebtedness, the bonded indebtedness, of the state of Maine more than nine million dollars. I am very proud to have served in the legislatures that accomplished these things.

Now, in the recent primary elections I failed to get enough votes to run for the office, and again I say that there was no public discussion as to the merits of the candidates. I am not belittling the men who ran and succeeded. They are both fine men. I have nothing against them.

I have nothing against the public. The public has used me splendidly in the past. But I do say that the public did not realize just what the situation was here.

I have served for eight years on the Judiciary Committee. So far as I can learn there is only one man in the state of Maine who has had greater service in that length of time than I have had and that is Senator Farris of Augusta. Now, it so happens that you come into the next legislature with just three attorneys in the Senate to fill six positions. I say the thing is not a calamity but it is unfortunate.

I want now to touch upon one or two other matters briefly. Since I came to the legislature some of you will recall that we passed a political measure that affected the city of Biddeford. It was a Republican measure and it passed for that reason, although some of us opposed it vigorously as being a rotten deal, and I still think so. That matter was referred to the people and the people did not know anything about it, but it being a Republican measure the people passed it without knowing anything about it. Afterwards by means of the initiative that was straightened out.

One thing more. We had the question come up recently of amending the Constitution for the gasoline tax, as you will recall. And you may recall that two years ago I predicted just what would happen, that the proponents of that bill would come out vigorously for it and there would be nobody to oppose it. And that is exactly what happened and it passed three to one. Incidentally, I want to call your attention to an interesting experience that I had in that connection. The Wednesday before election I was called at home by a woman who wanted me to address the North Deering Grange. I told her that I would be glad to do so, but I would like to speak on the subject of that constitutional amendment. And it was so arranged that I was to speak at nine o'clock. At seven o'clock that night I was called by the lady who had asked me and she said, "I have got to cancel that engagement." And I said, "How is that?" She said, "The evening paper says that the Grange has come out for the amendment and we dare not let you speak about it."

Now, to me that was both amusing and tragic. For people to get the

idea that they cannot listen to two sides of a question simply because the Grange is in favor of the measure, to me is tragic.

I am nearly through. It has been my policy from the time I first came to this legislature to try to base my conduct on sound principles. And as I look back over my record in that time I have not one regret on any matter involving the principles that I have stood on, and yet I would not take a different stand to hold any office in this state. The fact that I have been defeated does not make me any smaller man than I was before.

Now I notice that we are going to lose in this coming legislature some exceedingly able men. The next legislature will miss these men: Hildreth, Hanold, Sanborn, McGlaflin, Woodbury, Haskell, Harvey, Friend, Clement, Peters, Megill, Hodgkins, Emery, Worthing, Peakes, Bragdon, Buck, Farris, and Elliot. And I will say at this time that I am proud of the fact that I have ever had the opportunity to serve with such able men as those who are going out and those who still remain.

In conclusion I want to say just this to the members who remain and to the new members: so long as you found your conduct on sound principles you are going to work for the benefit of the state of Maine; if you cut a branch from a tree the branch dies because there is no root to sustain it. In the conduct of state affairs you have got to base your conduct on sound principles because sound principles will last forever. But as soon as you break away from that you are going to strike something that sooner or later will die.

I am through, and I thank you.

On motion by Mr. Elliot of Knox Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Final Committee Reports

Mr. HODGKINS from the Committee on Education submitted its Final Report.

Mr. DOW from the Committee on Banks and Banking submitted its Final Report.

Mr. HANOLD from the Committee on Inland Fisheries and Game submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Order

(Out of Order)

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

ORDERED that the Secretary be instructed to communicate with Senator Haskell expressing the regret of the Senate at the illness which prevents his attendance at the present session, and our sincere hope for his early recovery.

House Committee Reports

(Out of Order)

The Committee on Education on Bill "An Act Relating to School Unions," (H. P. 1383) (L. D. 926) reported that the same be referred to the next legislature.

The same Committee on Bill "An Act Relating to the Payment of Tuition for Pupils Attending Approved Secondary Schools," (H. P. 1381) (L. D. 924) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

Passed to be Engrossed

(Out of Order)

From the House:

Bill "An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature," (S. P. 535)

(In the Senate on Sept. 20, the Bill was passed to be engrossed as amended by Senate Amendment "A".)

Comes from the House, passed to be engrossed as amended by Senate Amendment "A" and by House Amendments "A" and "B" in non-concurrence.

In the Senate, that Body voted to reconsider its former action whereby the bill was passed to be engrossed as amended by Senate Amendment A; House Amendment A and House Amendment B were read and adopted in concurrence, and the bill as amended by Senate Amendment A and as further amended by House Amendments A and B was passed to be engrossed in concurrence.

From the House:

The Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the

Expenditures of State Government for the Fiscal Year Ending June 30, 1945" (H. P. 1379) reported that the same ought to pass as amended by Committee Amendment "A":

"Committee Amendment A to H. P. 1379, Bill 'An Act to Appropriate Monies for the Expenditures of State Government for the Fiscal Year Ending June 30, 1945.' Amend said bill by striking out the figure \$12,000 and inserting in place thereof the amount of \$17,000."

Which report was read and accepted and the bill read once; Committee Amendment A was read and adopted in concurrence and under suspension of the rules the bill as so amended was given its second reading and passed to be engrossed in concurrence.

Passed to be Enacted

An Act to Amend Chapter 76 of the Private and Special Laws of 1941 Providing for a State Office Building Authority. (S. P. 527) (L. D. 931)

Finally Passed

Resolve Providing for Certain Construction of Fish Hatcheries and Rearing Stations. (S. P. 532) (L. D. 935)

Resolve in Favor of the Town of Burlington. (H. P. 1386)

Resolve Providing for Certain Construction at the Pownal State School. (H. P. 1387) (L. D. 936)

Emergency Measure

An Act Providing for Sale and Distribution of Revised Statutes. (S. P. 529) (L. D. 933)

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

Emergency Measure

An Act Authorizing Savings Banks, Loans and Building Associations and Trust Companies to Make Mortgage Loans Under the Servicemen's Readjustment Act of 1944. (H. P. 1382) (L. D. 925)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Final Committee Reports

(Out of Order)

Mr. Emery from the Committee on Appropriations and Financial

Affairs on behalf of that committee submitted its final report.

Mr. Bishop from the Joint Standing Committee on Pownal State School on behalf of that committee submitted its final report.

Which reports were severally read and accepted.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, Recessed until this evening at eight o'clock.

Final Committee Report

(Out of Order)

Mr. BATCHELDER from the Committee on Military Affairs submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Enacted

An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature. (S. P. 535)

Finally Passed

Resolve, Appropriating Money for the Completion of the Eighth Revision of the Public Laws. (S. P. 525) (L. D. 930)

Emergency Measure

An Act Appropriating Moneys to Provide for Carrying on the Activity of Aid to Dependent Children for the Remaining Months of the Fiscal Year Ending June 30, 1945. (S. P. 526) (L. D. 929)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate, and none opposed, was passed to be enacted.

Emergency Measure

An Act to Appropriate Monies for the Expenditures of State Government for the Fiscal Year Ending June 30, 1945. (H. P. 1379)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Order

On motion by Mr. HODGKINS of Hancock, it was

ORDERED, that a message be sent to the House of Representatives, informing that body that the Senate has transacted all the busi-

ness before it, and is ready to adjourn without day.

The President appointed Mr. HODGKINS of Hancock to convey the message.

Subsequently that Senator reported that he had delivered the message with which he was charged.

Message from the House

A message was received from the House of Representatives by Representative Sleeper of Rockland that that body had transacted all the business before it, and was ready to adjourn without day.

Order

On motion by Mr. FARRIS of Kennebec, 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 his Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communications he may be pleased to make. (S. P. 534)

The Chair appointed on the part of the Senate:

Senators: FARRIS of Kennebec
McGLAUFLIN
of Cumberland
BROWN of Aroostook

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence, and the Speaker having appointed as members on the part of the House:

Representatives:
CLEAVES of Portland
CLOUGH of Bangor
PELLETIER of Sanford
ROBERTS of Westbrook
DEERING of Bath
LEIDY of Fort Kent
LEAVITT of Portland

The Committee retired, and subsequently Mr. FARRIS reported for the Committee that it had delivered the message with which it was charged, and that the Governor was pleased to state that he will communicate to the Legislature forthwith.

Communication
STATE OF MAINE
Executive Department
Augusta

September 20, 1944.

To the Honorable Senate and House of Representatives:

I am happy to report that I have

signed the 5 Public Acts, the 3 Private and Special Acts and the 4 Resolves which you have enacted at this special session.

By these various acts you have completed the Revision of Statutes and taken effective measures to meet more fully the State's responsibility toward the mentally defective, to provide opportunities for our returning veterans, and to develop one of our major recreational resources.

As we part I wish to express my personal appreciation for the consideration and courtesy you have shown me.

Please accept my cordial best wishes. May good fortune attend you always.

Very sincerely,

SUMNER SEWALL,
Governor.

Which communication was read and ordered placed on file.

Mr. BISHOP of Sagadahoc: Mr. President, through the Chair I would like to inquire for my own information and for the benefit of those of this most Honorable Body who may be interested, what is the status of the legislative record of 1943 of the 91st Legislature?

The SECRETARY: I might reply to the Senator by saying that while I have no responsibility in the matter, neither in its compilation nor in the indexing, I did call the printer tonight, it is all there, all the subject matter, but owing to a shortage of labor they have not been able as yet to get it in shape. However Mr. Grenier told me not more than half an hour ago that he thought within a few weeks it would be distributed.

The PRESIDENT: Presumably this is the last time we shall meet as this Legislature, and before the motion to adjourn I wish again to express my appreciation for the courtesy and consideration at all times shown the Chair during the session.

The President of the Senate, then on motion by Mr. McGLAUFLIN of Cumberland, at ten - seventeen o'clock, P. M., declared the Special Session of the Ninety-first Legislature adjourned without day.