

# MAINE STATE LEGISLATURE

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**Legislative Record**

**OF THE**

**Ninety-second Legislature**



**Special Session**

**July 8, 1946**

**HOUSE**

Tuesday, July 9, 1946

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

Prayer by the Rev. Mr. Aldrich of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Clerk will call the roll of absentees.

The Clerk then called the roll of absentees. Those absent were: Messrs. Coombs, Cousins, Hamilton, Mrs. Lord of South Portland, Messrs. Renouf, Stillings and Welch.

The SPEAKER: For the purpose of the record, the Chair announces that the present elected membership of the House is one hundred forty-eight members.

**Paper from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that five thousand copies of the Governor's message be printed (S. P. 451)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Superintendent of Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose (S. P. 452)

Came from the Senate, read and passed.

In the House, read and passed in concurrence

From the Senate: The following Order:

ORDERED, the House concurring, that three hundred and fifty copies

of the Legislative Record for the Special Session of 1946, convened on July 8th, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk (S. P. 453)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, This service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 454)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that no bill or resolve be received at this Special Session unless by unanimous consent in the body in which it is introduced except such as relate directly to the subject matters contained in the Governor's message of July 8, 1946 to the legislature;

AND IT IS FURTHER ORDERED, the House concurring, that any bill or resolve which shall be received in either branch of this legislature by unanimous consent shall stand referred to the Ninety-third Legislature, if unanimous consent for its reception is not given in the other body in concurrence.

This Order shall not apply to bills or resolves reported by any joint standing or joint select committee, in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of this Special Session (S. P. 461)

Came from the Senate, read and passed.

In the House, read and passed in concurrence, and, on motion by Mr. Ward of Millinocket, was ordered sent to the Senate forthwith.

The SPEAKER: Before the House takes up these next matters, the Chair wishes to make an explanation concerning the order that was just passed, commonly known as a cloture order.

Cloture orders are passed in every regular and special session of the Legislature. In regular sessions the order is usually passed along toward the middle or latter part of the session, so that at some time or other the Legislature will adjourn.

Now the order that you have passed this morning permits bills to be received by this House if they come within or directly relate to matters contained in the Governor's message. Other bills which do not fall within that definition must be accepted by this House, if accepted at all, by unanimous consent.

On your printed calendar this morning you will find several bills which clearly come within the purview of the matters covered by the Governor's message. There are some which do not. When we come to those on the calendar, the Clerk will say that they are offered, and I shall inquire of the House if there is any objection to the reception of these bills. If any objection is heard, unanimous consent is not granted and reception of the bill is refused.

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

**Military Affairs and Appropriations and Financial Affairs, Jointly**

Bill "An Act Creating the Department of Veterans Affairs" (H.

P. 1488) (Presented by Mr. Allen of Portland)

(1500 copies ordered printed)

Bill "An Act to Provide for a Revolving Fund for Loans to Maine Veterans" (H. P. 1489) (Presented by Mr. Bird of Rockland)

(1500 copies ordered printed)

Bill "An Act Providing for Construction of Dormitories at the University of Maine and Appropriating Moneys Therefor" (H. P. 1490) (Presented by Mr. Collins of Caribou)

(1500 copies ordered printed)

Resolve proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Providing a Revolving Fund for Loans to Maine Members of the Military and Naval Forces in World War II (H. P. 1491) (Presented by Mr. Bird of Rockland)

(1500 copies ordered printed)

Resolve in favor of the University of Maine (H. P. 1492) (Presented by Mr. Collins of Caribou)

(1500 copies ordered printed)

Resolve in favor of the University of Maine (H. P. 1493) (Presented by same gentleman)

(1500 copies ordered printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Increasing the Borrowing Capacity of the Town of Norridgewock School District" (H. P. 1494) (Presented by Mr. Ela of Anson by request)

Mr. Ela of Anson was granted unanimous consent to address the House.

Mr. ELA: Mr. Speaker and Members of the House: I have been requested to introduce a bill to increase the borrowing capacity of the Town of Norridgewock School District. The subject of this bill does not allude to any matter contained within the Governor's message, and therefore, under your cloture rule, will require unanimous consent in order that it may be introduced. I will be very brief in the matter, and I will request your unanimous consent to introduce the bill.

A little over a year ago, the consolidated school of Norridgewock burned. That contained the entire educational system of the Town of Norridgewock. A bill was introduced at the last session to increase the borrowing capacity of their School District. That, in the view

of some of the citizens of the School District, did not provide sufficient money to build school facilities. For that reason, they requested that this bill be introduced to increase their borrowing capacity. That, in substance, is the nature of the bill. A serious condition does exist in Norridgewock, and I ask unanimous consent for the introduction of this bill.

The SPEAKER: Is there objection to this bill being received?

The Chair hears none.

The bill was received, and, upon recommendation of the Committee on Reference of Bills, was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

Bill "An Act to Incorporate the North Haven Port District" (H. P. 1495) (Presented by Mr. Emerson of North Haven)

The SPEAKER: The Chair rules that this is one of the bills that does not come within the purview of the order. Is there objection to its reception? The Chair hears no objection.

Thereupon the bill was received, and, upon recommendation of the Committee on Reference of Bills, was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

Bill "An Act Amending the Charter of the City of Portland" (H. P. 1493) (Presented by Mr. Payson of Portland)

Mr. Payson was granted unanimous consent to address the House.

Mr. PAYSON: Mr. Speaker and Members of the House. The House may recall that in the regular session of last year that the eminent yachtsman, the gentleman from Portland, Mr. Bowker, introduced a bill which amended the Portland City Charter, without my consent or assistance. In the haste of the session and working over the bill, some clerical mistakes were made, and there is one serious error. The City of Portland now has a Council of nine members, three going out each year, and the City Charter still provides for the election of only one at our annual December election. Of course when we hold our election we would call for the election of three, but there is seri-

ous legal doubt as to our right to do it. The credit of the City would be involved.

In order to correct this typographical error, I have introduced this bill so that three Councilmen can be elected each year in Portland. I hope there will be no objection to the introduction of the bill.

The SPEAKER: Is there objection to the introduction of this bill? The Chair hears none.

Thereupon the bill was received, and upon recommendation of the Committee on Reference of Bills, was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

### Public Utilities

Bill "An Act to Incorporate the Brewer Water District" (H. P. 1497) (Presented by Mr. Thompson of Brewer)

The SPEAKER: The Chair rules that this is one of the bills that does not come within the purview of the order.

Mr. Haskell of Bangor was granted unanimous consent to address the House.

Mr. HASKELL: Mr. Speaker and Members of the House: In asking unanimous consent to have this bill introduced, I will very briefly explain the emergency of the situation that exists in Brewer.

Since the adjournment of the last regular session, Brewer has found itself in a precarious position in regard to part of its water supply, and the result has been the loss of its largest industry, the Brewer shoddy mill, the complete destruction of one of its churches, and two other very serious fires. The City of Bangor has attempted, in a way, to assist the City of Brewer, but the only sound solution of it is the incorporation of a water district in Brewer. I am very hopeful that this bill will be accepted.

The SPEAKER: Is there objection to the introduction of this bill? The Chair hears no objection.

Thereupon the bill was received, and upon recommendation of the Committee on Reference of Bills, was referred to the Committee on Public Utilities, ordered printed, and sent up for concurrence.

### Orders

On motion by Mr. Brewer of Presque Isle, it was

ORDERED, that Mr. Welch of Mars Hill, be excused from attendance this week because of business.

Mr. Donahue of Biddeford presented the following Order and moved its passage:

ORDERED, that the Speaker of the House be authorized and directed to appoint a committee of three members, not more than two of which shall be members of the same political party, to investigate the conduct of the Commissioner of Education in refusing to approve the election of Phillip H. Woodworth of Biddeford as Superintendent of Schools for School Union Number Four, composed of the Towns of Dayton and North Kennebunkport, and the City of Biddeford. Said Committee shall have the right to summons witnesses, employ counsel, and to make public its findings relative thereto after its report has been made to each member of, the House of Representatives in writing. The expense of said investigation shall not exceed Two Hundred Dollars and shall be payable from the Appropriation for Legislative Expenses.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the House: The purpose for the introduction of this order I shall state very briefly.

As you all recall, prior to the last regular session, the City of Biddeford, by its charter, was permitted to employ its own Superintendent of Schools. The Legislature, in its wisdom, deemed that that was not in accordance with modern practice, but that the City of Biddeford, the town of Dayton, and the town of North Kennebunkport should be made into a School Union, known as School Union Number Four.

The town of Dayton employs two teachers, the town of North Kennebunkport employs three teachers, and the City of Biddeford employs fifty-eight.

In accordance with the mandate of the Legislature, the joint committee of the City of Biddeford, the town of Dayton, and the town of North Kennebunkport met last September, after a hearing denying appeal to the council, and Phillip Woodworth was elected as Superintendent of Schools by that joint

committee to serve until June 30th of this year.

In April of this year, your Commissioner of Education directed the chairman of the joint school union committee to call a meeting of that committee for the purpose of forthwith electing a Superintendent of Schools. Under the contract which existed between Mr. Woodworth and the City of Biddeford, had it not been for the provisions of the Union School law, his contract would have expired in April, but the provisions of the Union School law specifically provide that the contract of any school union superintendent shall terminate on the 30th day of the year to which it is to run.

A meeting of the joint committee was held in April in accordance with the dictate or mandate, or call it what you will, of your Commissioner of Education, and the towns of Dayton and North Kennebunkport saw fit to elect someone else as Superintendent of Schools. Under your school law, had there been a vacancy, the City of Biddeford would have had the power of veto, but there was no vacancy. This matter was called to the attention of your Commissioner of Education. However, at that meeting in April the meeting was adjourned to be called again in session by the chairman of the board, Mr. Clifton Cheney. Notwithstanding that fact, on or about the first day of June of this year your State Commissioner of Education directed the secretary of that joint school committee to call a meeting of the board, and, by strange coincidence, without any knowledge on the part of Mr. Cheney, the notices calling both meetings were issued on the same day, but the notice issued by the chairman, which was the only legal notice, notwithstanding the rulings by the State Commissioner of Education, was for a meeting to be held the day after the meeting called properly by the secretary of the school union. Consequently, the Biddeford members did not go to the meeting improperly called by the secretary of the committee. Again, the school committee members of Dayton and North Kennebunkport saw fit to elect someone else as Superintendent of the School Union. A meeting was held under the call of the chairman of the school union and Woodworth was elected Superintendent of School

Union Number Four and the Board of Education of the City of Biddeford approved that election and forwarded the papers to your State Commissioner of Education and he refused to approve it.

He has now directed that the school union committees meet and appoint an agent. The law provides that an agent may be appointed subject to the approval of your State Commissioner of Education.

I say there has been unwarranted interference on the part of your State Commissioner of Education with this school union, and, if that order is passed, I believe those facts can be proven, and I think the people of the State of Maine are entitled to know what kind of a State Commissioner of Education they have.

On motion by Mr. Ward of Millinocket, the order was tabled pending passage.

Mr. Ward of Millinocket presented the following order and moved its passage:

**ORDERED**, that the Clerk of the House be authorized to purchase, before the convening of the next regular session of the Legislature, suitable chairs for the members of the House.

Mr. SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker and Members of the House: Shortly before the war an order similar to this one was passed. The war came along and it was impossible to obtain the chairs. I have been informed that chairs are now available and so if you care to pass this order no doubt new seats can be provided for the next regular session.

Thereupon the order received passage.

On motion by Mr. Downs of Rome, it was

**ORDERED**, that Mr. Hamilton of Hartland be excused from attendance during this special session because of business; also that Mrs. Lord of South Portland be excused from attendance during this special session because of critical illness in her family.

### Orders of the Day

(Order out of order)

From the Senate, the following Order:

**ORDERED**, the House concurring, that the Secretary of the Senate and the Clerk of the House be authorized to have immediately printed all bills and resolves deposited in their respective offices when printing has been approved by the Committee on Reference of Bills. (S. P. 462).

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

In the House, the Order received passage in concurrence.

On motion by Mr. Ward of Millinocket,

The House recessed until three p.m., Eastern Standard Time.

### After Recess

3 P. M. (E. S. T.)

The House was called to order by the Speaker.

The SPEAKER: The House is proceeding under Orders of the Day. You will find on your desks an advance calendar.

The following bills and resolves were received, out of order and under suspension of the rules, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### Education

Bill "An Act relating to Additional Training by Normal Schools" (H. P. 1498) (Presented by Mr. Russell of Gorham)

(Ordered printed)

#### Judiciary

Bill "An Act to Provide Temporary Housing for Veterans of World War II" (H. P. 1499) (Presented by Mr. Payson of Portland)

(Ordered printed)

Bill "An Act to Provide and Operate Permanent Housing with preference for Veterans" (H. P. 1500) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

#### Salaries and Fees

Bill "An Act Adjusting the Salaries of All Full-Time State Employees and Appropriating Money

therefor" (H. P. 1501) (Presented by Mr. True of Rangeley)  
 (1000 copies ordered printed)  
 Sent up for concurrence.

#### Education

Resolve to Authorize State Board of Vocational Education to Approve and Supervise Industrial Training Programs (H. P. 1502) (Presented by Mr. MacKinnon of Mexico)  
 (Ordered printed)  
 Sent up for concurrence.

#### Public Utilities

Bill "An Act to Incorporate the Sullivan Water District" (H. P. 1503) (Presented by Mr. Morrison of Winter Harbor)

The SPEAKER: This bill requires unanimous consent for its introduction under the cloture rule.

Mr. Morrison of Winter Harbor was granted unanimous consent to address the House.

Mr. MORRISON: Mr. Speaker and Members of the House: The town of Sullivan has need for a good water company. At the present time a group of summer people have become interested in the project and they would like to start it this summer. That is the reason for introducing the bill at this time.

The SPEAKER: Does the Chair hear any objection? The Chair hears no objection.

Thereupon the bill was received, and on recommendation of the Committee on Reference of Bills, was referred to the Committee on Public Utilities, ordered printed, and sent up for concurrence.

#### Paper from the Senate

(Out of order and under suspension of the rules)

From the Senate: the following Order:

ORDERED, the House concurring, that no bill or resolve shall be received at this Special Session, except by unanimous consent in the body in which it is introduced, unless said bill or resolve be deposited in the office of the Secretary of the Senate or Clerk of the House before 11:00 A. M. EST, July 10, 1946 AND IT IS FURTHER ORDERED, the House concurring, that any bill or resolve which shall be received in either branch of this legislature by unanimous consent shall stand referred to the Ninety-third Legislature if unanimous consent for its reception is not given in the other body in concurrence.

This order shall not apply to bills or resolves reported by any joint standing or joint select committee, in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of this special session (S. P. 463)

Came from the Senate, read and passed.

In the House, the order received passage in concurrence.

On motion by Mr. Lombard of Yarmouth,

Adjourned until Wednesday, July 10th, at 9:00 A. M., E. S. T.