

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Second Legislature*

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Thursday, January 4, 1945.

The Senate was called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

**Order**

On motion by Mr. Brown of Aroostook, it was

**ORDERED**, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 9th, 1945, at four-thirty in the afternoon. (S. P. 9)  
Sent down for concurrence.

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

Communication from the Governor:

STATE OF MAINE

EXECUTIVE CHAMBER

Augusta, Maine  
January 3, 1945.

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State, I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years, 1943 and 1944, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

**SUMNER SEWALL**  
Governor  
(S. P. 10)

Which was read and ordered placed on file.

**Committee Report**

Mr. Dorr from the Joint Select Committee of the Ninety-second Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State

for the political years 1945 and 1946, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 187,632; and that Horace A. Hildreth of Cumberland had 131,849 votes; and that Paul J. Jullien of Waterville had 55,783 votes. (S. P. 25)

**DORR**, of Oxford, Chairman  
On the part of the Senate

**MORRISON**, of Winter Harbor,  
Chairman

On the part of the House.

Which report was read and accepted.

Sent to the House.

**Orders**

On motion by Mr. Leavitt of Cumberland, 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 Honorable Horace A. Hildreth and inform him that he has been duly elected Governor of the State of Maine for the current years of 1945 and 1946. (S. P. 11)

The President appointed:  
Senators:

Leavitt of Cumberland  
Noyes of Hancock  
Saywood of York

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence, and the Speaker having joined on the part of that branch:

Representatives:

Welch of Mars Hill  
Savage of Mt. Desert  
Sargent of Bucksport  
DeSanctis of Madison  
Springer of Danforth  
Marshall of York  
Brown of Milford

Mr. Leavitt for the Committee appointed to inform the Governor-elect of his election, reported that the Committee had waited upon the Honorable Horace A. Hildreth, Governor-elect, and that he was pleased to reply that he accepted the office and would attend on the Legislature at such time as may be designated for the purpose of taking and subscribing the oaths required

by the Constitution to qualify him for the discharge of his official duties.

On motion by Mr. Dow of Oxford, it was ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of administering to the Honorable George J. Wentworth, Harold W. Hanold, Lincoln E. Clement, Earl Fenlason, James L. Woodbury, Harold W. Worthen and Clarence B. Beckett, the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties, and for the further purpose of administering to the Honorable Horace A. Hildreth, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Secretary delivered the message and subsequently reported that he had performed the duty assigned to him.

A message was received from the House, by Mr. Pease, its Clerk, concurring in the proposition for a joint convention for the purpose of administering the oaths to the Executive Councillors and to the Governor-elect.

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

(For proceedings of joint convention see House Report.)

#### In the Senate

The Senate was called to order by the President.

#### Orders

On motion by Mr. Brown of Aroostook, it was

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate with such as the House may join, be appointed to consider the Governor's message and report a reference of its several subjects to appropriate committees. (S. P. 12)

The President appointed:

Senators:

Sterling of Somerset  
Clough of Penobscot  
Gould of Androscoggin  
Sent down for concurrence.

Subsequently, the foregoing order was returned from the House, having been read and passed in concurrence, and the Speaker having joined on the part of that branch:

Representatives:

Ward of Millinocket  
Weeks of Farmington  
Morrison of Rumford  
Coombs of Belfast  
Lackee of Addison  
Weeks of Waterville  
Haskell of Bangor

On motion by Mr. Smith of Knox, it was

ORDERED, that twenty-five hundred copies of the Governor's Message be printed.

On motion by Mr. Hopkins of Kennebec, it was

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House jointly prepare the Senate and House Register, and that 5,000 copies be printed for the use of the Legislature. (S. P. 14)

Sent down for concurrence.

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

On motion by Miss Clough of Penobscot, it was

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings during the present session, same to be charged to legislative expense. (S. P. 15)

Sent down for concurrence.

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

On motion by Mr. Bishop of Sagadahoc, it was

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

On motion by Mr. TOWNSEND of Penobscot, it was

ORDERED, the House concurring, that the members and officers of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding \$5.00 for each member and officer thereof, and that such transportation be furnished and expended under the direction of the Secretary of the Senate and the Clerk of the House, respectively, and the unexpended balance at the close of the year 1945 shall be available for use in 1947. (S. P. 16)

Sent down for concurrence.

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

On motion by Mr. SAYWARD of York, it was

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member and officer of the Senate and House, not exceeding \$5.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 17)

Sent down for concurrence.

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

On motion by Mr. BROWN of Aroostook, it was

ORDERED, the House concurring, that there be paid to the officers of the Senate and House of Representatives as advances on account of compensation amounts included in fortnightly lists, certified to the State Controller by the Secretary of the Senate and the Clerk of the House, respectively, and that the final pay rolls at the end of the session of such officers, bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 18)

Sent down for concurrence.

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

On motion by Mr. SPEAR of Cumberland, it was

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifty calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 19)

Sent down for concurrence.

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

### Communication

#### STATE OF MAINE

Department of the Attorney General  
Augusta

January 3, 1945

To the Honorable Senate and House of Representatives of the Ninety-second Legislature:

Pursuant to Article V, Part 4, Section 2 of the Constitution, I am transmitting herewith, two bonds of the Honorable Joseph H. McGillicuddy, Treasurer of State, each in the amount of \$75,000, each bearing date January 3, 1945, one written by the Standard Accident Insurance Company, of Detroit, Michigan, and the other written by Maryland Casualty Company, of Baltimore, Maryland, and each being payable to the State of Maine.

These bonds bear my approval as to form and I recommend them for approval by the Legislature.

Respectfully yours,  
RALPH W. FARRIS  
Attorney General.

(S. P. 20)

Which communication and accompanying bonds were read and ordered placed on file.

Sent to the House.

On motion by Mr. Brown of Aroostook, it was

ORDERED, the House concurring, that the two bonds of Honorable

Joseph H. McGillicuddy, Treasurer of State, each in the amount of \$75,000, each bearing date January 3, 1945, one written by the Standard Accident Insurance Company of Detroit, Michigan, and the other written by Maryland Casualty Company, of Baltimore, Maryland, and each being payable to the State of Maine, and each bearing the certificate of approval of the Attorney General, be and hereby are approved. (S. P. 21)

Sent down for concurrence.

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

On motion by Mr. Owen of Kennebec, it was

ORDERED, that the Secretary of the Senate purchase such stationery, office supplies and equipment as may be needed to carry on the business of the Senate.

Mr. Spear of Cumberland presented the following order and moved its passage:

ORDERED, the House concurring, that a joint select committee to be designated "Committee on Post-War Planning" be appointed consisting of three on the part of the Senate and seven on the part of the House. (S. P. 22)

On motion by Mr. Welch of Aroostook tabled pending passage.

On motion by the same Senator, it was

ORDERED, the House concurring, that a joint select committee, to be designated "Committee on Aeronautics", be appointed, consisting of three on the part of the Senate, and seven on the part of the House. (S. P. 23)

Sent down for concurrence.

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

Communication: (out of order and under suspension of the rules:) from the office of the Revisor of Statutes. (S. P. 24)

January 3, 1945

To Honorable Royden V. Brown, Secretary of the Senate of the Ninety-second Legislature:

I hereby submit the report of the revisor of statutes as required

by subsection V, section 2, chapter 10, of the revised statutes of 1944.

Due to the fact that the present revisor of statutes has held office only since February, 1944, and that his time has been spent largely in the completion of the revision of 1944, only limited recommendations can be made.

The suggestions made in the first report of the legislative research committee of the 91st legislature and the recommendations made by the legislative revision of statutes committee of the 91st legislature as reported in L. D. 920 of the second special session of 1944 are hereby approved and it is hoped that such suggestions and recommendations may be adopted.

There are two other matters which I would call to your attention:

1. There is at present no statutory provision for the drafting of private and special laws and of resolves, or for aid in drafting legislation for the several administrative departments. It is also suggested that some method be devised whereby all legislation, before being brought before the legislature for consideration, should first pass through a central agency so that duplicate measures could be eliminated with the resulting saving of printing costs and legislative time. The entire problem of drafting legislation is so important that further study should be made by the next legislative research committee.

2. During past legislative sessions, two or more acts dealing with the same section of a particular chapter, but amending different parts of the same section, have become law. This has resulted in inconsistent rulings by our courts and in much unnecessary confusion in determining the legislative intent.

For example, chapters 72 and 205 of P. L. 1941 have created great difficulties for our courts in determining the dates set for motor vehicle inspection.

And also chapters 177 and 322 of P. L. 1943 have created confusion in interpreting the powers of municipal courts in sentencing minors to the reformatory.

The revision has necessarily cured these two defects, but similar difficulties will undoubtedly arise in the future unless some method

is devised to prevent such occurrences. An effort will be made in the office of the revisor of statutes to watch all legislation in the process of becoming law so that if possible no more than one act amending any one particular section will become law during any one legislative session. It is difficult at present to suggest any permanent method for dealing with this problem since all legislation does not go through the office of the revisor and since during any legislative session it is doubtful if time will permit close scrutiny of all bills pending before the legislature. It is suggested that this problem also be turned over to the next legislative research committee for further study.

Respectfully,

Samuel H. Slosberg,  
Revisor of Statutes.

Sent to the House.

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

**Joint Order:**

**ORDERED**, the Senate concurring, that a joint select committee to be designated "Committee on Post War Planning" be appointed, consisting of three on the part of the Senate, and seven on the part of the House. (H. P. 3)

On motion by Mr. Spear of Cumberland, tabled pending passage in concurrence.

**Emergency Measure**

Bill "An Act Relating to Trial Terms of the Superior Court in Aroostook County." (H. P. 1)

Which bill being an emergency measure, and having received the affirmative vote of 33 members of the Senate, and none opposed, was passed to be enacted.

**Orders of the Day**

The President announced the appointment of the Senate members of the Joint Standing Committees. (See House Report.)

Senator GOOD of Aroostook: Mr. President, has the Welfare Committee been appointed?

The PRESIDENT: The Chair will inform the Senator that at the present time there has been no provision made for any Committee on Welfare. The Chair understands that committee will be provided for at a later time. The Chair would also state that no appointments have as yet been made for the joint select committee on the University of Maine for the same reason.

**ORDER**

**(Out of Order)**

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

**ORDERED**, the House concurring, that a joint select committee to be designated Committee on Welfare be appointed, consisting of three on the part of the Senate and seven on the part of the House. (S. P. 1)

Sent down for concurrence.

On motion by Mr. CROSS of Kennebec

Adjourned until next Tuesday afternoon at 4:30 o'clock.