

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninety-second Legislature



Special Session

July 8, 1946

SENATE

Thursday, July 18, 1946

The Senate was called to order by the President.

Prayer by the Reverend Merle Golding of Augusta.

Journal of yesterday read and approved.

House Committee Reports

The Committee on Legal Affairs on Bill "An Act Increasing the Borrowing Capacity of the Town of Norridgewock School District," (H. P. 1494) (L. D. 1201) reported that the same ought not to pass.

Which report was read and adopted in concurrence.

Senate Committee Reports

Mr. Leavitt from the Committee on Legal Affairs on Bill "An Act Enlarging the Powers of the West Paris Village Corporation," (S. P. 471) (L. D. 1217) reported that the same ought to pass.

Mr. Washburn from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Packing of Sardines," (S. P. 470) (L. D. 1214) reported that the same ought to pass.

Which reports were severally read and adopted, the bills read once and under suspension of the rules were given a second reading and passed to be engrossed.

Sent down for concurrence.

Mr. Dunbar from the Committee on Judiciary on Bill "An Act Waiving Certain Requirements for Veterans in State Employment," (S. P. 466) (L. D. 1215) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted, and the bill read once. The Secretary read Committee Amendment A:

"Committee Amendment A to Bill An Act Waiving Certain Requirements for Veterans in State Employment (S. P. 466) (L. D. 1215). Amend said bill by striking out in the 4th line of the 2nd paragraph thereof, the word 'shall' and inserting in place thereof, the word 'may'.

And further amend said bill by striking out in the 9th line in the second paragraph thereof, the word 'shall' and inserting in place thereof, the word 'may'."

Which amendment was adopted and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. Dow from the same Committee on Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945," (S. P. 465) (L. D. 1216) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill was given its first reading.

Mr. DOW of Oxford: Mr. President and members of the Senate, may I say just a few words in regard to Committee Amendment "A"? Because it is rather long and takes some time to read it perhaps if I explain it now we can dispense with the reading and save some time. It is on your desks and is No. 1241, and you can follow along if you see fit.

In Section 7 which follows under Section 14 in that particular amendment the "s" is dropped off "commissioner" and "he or she" is stricken out and "such person" is put in. This happens in another place and makes it in conformity with the statute and the law on definitions.

The last three amendments, Sections 77, 78 and 79 were presented to the Committee by Mr. Sanborn of Augusta who represented the national banks of Maine, and he told us this, that in the 1930 revision the statutes read the same as in section 77 which has section 34 under it, "Any bank, savings bank or trust company," and in the 1944 revision the word "bank" was dropped. The Revisor of Statutes told the Committee he didn't know why it was dropped and could not find any legislation repealing it, but it was dropped, and the situation is this, a joint account payable to a survivor, in a savings bank or trust company may be paid to the survivor by the bank because the law says so, but a joint account in a national bank is not treated the same way. They don't dare to pay it because the law

says they can't. Whether we should have a law payable to the survivor doesn't seem to answer the question. The national banks feel that an error was made in the 1944 revision by someone along the line and the words "national bank" were dropped out, and they ask to have the words restored to the position that they were in previously.

You will notice that in Section 77 the word "bank" is added; in Section 78 the word "bank" is added in two places. In Section 79 the word "bank" is added in two places in paragraph I, and in paragraphs III and IV the word "bank" and "banks" are added.

These are the additions and I thought if I explained them it might save taking time to read the amendment this morning.

I move that further reading of the amendment be dispensed with.

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Brown of Aroostook

Recessed until this afternoon at 3:30 o'clock Eastern Standard Time.

After Recess

The Senate was called to order by the President.

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

The Committee on Judiciary on Bill "An Act Relating to Price Control," (H. P. 1506) (L. D. 1220) reported that the same ought not to pass.

The same Committee on Bill "An Act to Provide Temporary Housing for Veterans of World War II," (H. P. 1499) (L. D. 1206) reported that the same ought not to pass.

Which reports were severally read and adopted in concurrence.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of West Gardiner School District," (H. P. 1522) (L. D. 1225) reported that the same ought to pass.

Which report was read and adopt-

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

The same Committee on Bill "An Act Amending the Charter of the City of Portland," (H. P. 1496) (L. D. 1203) reported that the same ought to pass.

Mr. SPEAR of Cumberland: Mr. President, when would it be in order to move that this committee report be not adopted?

The PRESIDENT: The Chair will state that it is in order now.

Mr. SPEAR: Then, Mr. President, I so move, and I will give my reasons.

I do not think that the city of Portland or any other city or town should be in the real estate business. The Federal Government has been in the real estate business now for about thirteen years and the Republican Party and some other parties have objected to it.

I therefore move that the report be not adopted and I ask for a division.

Mr. LEAVITT of Cumberland: Mr. President, will the Chair please inform me exactly what this bill is.

The PRESIDENT: The Chair will state that the bill is H. P. 1496, L. D. 1203, Bill An Act Amending the Charter of the City of Portland.

Mr. LEAVITT: Mr. President, I think that the Senator from Cumberland, Senator Spear has in mind the wrong bill when he objects to this report. There is nothing about real estate in this bill. The bill is to amend the charter of the city of Portland to allow the three members of the City Council to be elected this coming November instead of one as set up in the present charter, which is an error.

Mr. SPEAR: Mr. President, if this is the bill that Senator Leavitt says it is, I will withdraw my motion.

Mr. CURRIER of Androscoggin: Mr. President, may I ask that the Senate recess for three or four minutes so that I may have an opportunity to see this bill again. I have a few friends in Portland and I would like to know what is going on in that city.

The PRESIDENT: The Senator from Androscoggin, Senator Currier moves that the Senate recess for three minutes. Is this the pleasure of the Senate?

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the "Ought to Pass" report of the Committee be adopted.

Thereupon, on motion by Mr. Currier of Androscoggin, the report and accompanying bill were laid upon the table pending motion that the "Ought to Pass" report of the committee be adopted, and especially assigned for tomorrow morning.

The Committee on Judiciary on Bill "An Act to Provide and Operate Permanent Housing with Preference for Veterans," (H. P. 1500) (L. D. 1205) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. SPEAR of Cumberland: Mr. President, I move that the bill and the amendment be indefinitely postponed. I don't think that any municipality should be in the real estate business.

Thereupon, on motion by Mr. Dow of Oxford, the report and accompanying papers were laid upon the table pending motion to indefinitely postpone, and especially assigned for tomorrow morning.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Pittsfield School District," (H. P. 1523) (L. D. 1226) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the North Haven Port District," (H. P. 1495) (L. D. 1202) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Canaan School District," (H. P. 1524) (L. D. 1227) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence and the bills read once. Committee Amendments "A" were severally read and adopted in concurrence, and the

bills as amended were given a second reading and passed to be engrossed in concurrence.

**Senate Committee Reports
(Out of Order)**

Mr. DORR from the Committee on Ways and Bridges on "Resolve in Favor of the Town of Charleston," (S. P. 472) (L. D. 1228) reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Owen from the joint committees on Military Affairs and Appropriations and Financial Affairs on "Resolve in Favor of Ricker Classical Institute and Junior College," (S. P. 467) (L. D. 1212) reported that the same ought to pass.

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

Sent down for concurrence.

The President laid before the Senate, the following communication:—

July 18, 1946

"Honorable George D. Varney,
President
Maine State Senate
State House
Augusta, Maine

Dear Sir: I hereby tender my resignation as a member of the Military Affairs Committee, such resignation to take effect immediately.

(Signed) LELAND B. CURRIER"

On motion by Mr. Brown of Aroostook, the resignation was accepted and placed on file.

Mr. CURRIER of Androscoggin: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Androscoggin, Senator Currier, asks unanimous consent to address the Senate. Is there objection? The Chair hears no objection and the Senator may proceed.

Mr. CURRIER: Mr. President and Senators, I feel that you are en-

titled to an explanation of why I, the political lone wolf in the State of Maine who is headed for political oblivion, thanks to a few evangelists in my Party, should resign from the most important committee of this legislature. I resigned because I objected to the veterans of the State of Maine and the little people, the little taxpayers and the mill workers from the community which sent me here, being sold down the river in a committee hearing behind closed doors.

Whether it be President Truman or the man who occupies the highest office in the State of Maine, he has no right to be present in an executive session of any committee of this legislature as a proponent of his steam-roller bills. They will say "We invited him" and I have asked, "Who is 'we'?" Well, we are "we". That point was never brought up in an executive session of the committee. If it had been, I would

have objected, and then by vote—because this is a democracy, or should be,—if I had been overruled in my objection I would have gone along with the majority.

That is why, Senators, I was forced to resign what I consider, and my son will consider, one of the greatest honors that has ever been bestowed upon me in this legislature, to have the privilege to be a member of the Committee on Military Affairs. I thank you.

The PRESIDENT: Is there any further business to come before the Senate under Orders of the Day?

Upon motion by Mr. Brown of Aroostook

Adjourned until tomorrow morning at eight-thirty o'clock, Standard Time.