

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninety-second Legislature



Special Session

July 8, 1946

SENATE

Monday, July 22, 1946

The Senate was called to order by the President.

Prayer by the Reverend T. Porter Drumm of Augusta.

Journal of Saturday, July 20, 1946, read and approved.

From the House:

The joint Committee on Military Affairs and Appropriations and Financial Affairs on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Payment of a Bonus to or Insurance Premiums for Maine Members of the Military and Naval Forces in World War II and for the Payment of Other Veterans' Benefits and to Provide for the Payment of Such Bonds by a Sales Tax or an Income Tax." (H. P. 1512) (L. D. 1238) reported the same in a new draft (H. P. 1529) (L. D. 1244) under a new Title, "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Payment of a Bonus to or Insurance Premiums for Maine Members of the Military and Naval Forces in World War II and for the Payment of Other Veterans' Benefits and to Provide for the Payment of Such Bonds by a Sales Tax."

Comes from the House, the report adopted and the bill in new draft passed to be engrossed.

In the Senate, on motion by Mr. Smith of Knox, the report and accompanying papers were laid upon the table pending adoption of the report in concurrence.

The joint Committee on Military Affairs and Appropriations and Financial Affairs on Bill "An Act Creating a State Lottery Commission," (H. P. 1,18) (L. D. 1233) reported that the same ought not to pass.

In the House, the report was read and adopted.

In the Senate, on motion by Mr. Boucher of Androscoggin, the report and accompanying papers were laid upon the table pending adoption of the report in concurrence.

The same Committee on Bill "An Act Relating to Running Horse Races," (H. P. 1519) (L. D. 1235) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Currier of Androscoggin, the report and accompanying papers were laid upon the table pending acceptance of the report in concurrence.

The same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Cash Bonus or Bonus Certificate to Maine Veterans in World War II." (H. P. 1513) (L. D. 1237) reported that the same ought not to pass.

In the House, the report was read and adopted.

In the Senate:

Mr. BATCHELDER of York: Mr. President, I move that the report be accepted in concurrence.

Mr. CURRIER of Androscoggin: Mr. President, I move that the report and accompanying papers be laid upon the table.

A viva voce vote being had

The motion to table did not prevail.

Thereupon, the "Ought Not to Pass" report was accepted in concurrence.

The same Committee on "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) (L. D. 1198) reported that the same ought not to pass.

The same Committee on Bill "An Act to Provide for a Revolving Fund for Loans to Maine Veterans," (H. P. 1489) (L. D. 1196) reported that the same ought not to pass.

The same Committee on "Resolve, Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Cash Bonus of \$200. to Maine Veterans in World War II," (S. P. 1514) (L. D. 1232) reported that the same ought not to pass.

The same Committee on Bill "An Act to Provide for the Payment of a Cash Bonus of \$200. to Maine

Veterans in World War II and Revenue Thereof," (H. P. 1515) (L. D. 1239) reported that the same ought not to pass.

The same Committee on Bill "An Act to Provide for the Payment of a Cash Bonus or Bonus Certificate to Maine Veterans in World War II," (H. P. 1511) (L. D. 1236) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, Resolve in Favor of Ricker Classical Institute and Junior College (S. P. 467) (L. D. 1212) tabled by the Senator from Kennebec, Senator Hopkins, pending passage to be enacted.

Mr. HOPKINS of Kennebec: Mr. President, it was my privilege to sit through the hearing on this Resolve. I recognized the worthiness of the Resolve but it seemed to me at that time that had the other academies of the state known that monies of this sort were to be available, some others might have had equally worthy requests to present to us. That was my purpose in tabling the measure. I am willing now that the pending action take place.

The PRESIDENT: The question before the Senate is on the final passage of this Resolve.

Mr. BROWN of Aroostook: Mr. President, I had thought that when this was taken off the table today that I would ask to have it retabled but we have got along so fast now that I think we have time to discuss it briefly.

This is a case where the Ricker Classical Institute, the only school in Aroostook County that gives two years of college course, is asking for an appropriation. This school is serving a great purpose in Aroostook County, because it provides not only two years of junior college, two years of college course, but it also provides high school for pupils in about fourteen towns around there. They suffered a very severe loss last year when they lost their main building.

Of course, schools of that sort are not run for profit. They do not have any cash reserve and of course have no endowments because very few people give endowments to

schools of that sort. By heroic effort the people of Aroostook County subscribed, with the insurance, enough to build up a fund of \$145,000 and they have entirely rebuilt the building, but they lack facilities for teaching. The equipment and part of the library was lost and all of those things would cost the figure of \$50,000 if they could equip the building and have it ready to teach school this fall and carry on.

In view of the fact that so many veterans are looking for places to take their college courses and the University of Maine has had to turn down about 1200, that I understand they cannot accommodate now, and already over 150 veterans have signed up for the college course this fall, it seemed it was the only right thing to come before the legislature and ask for a grant of \$50,000.

This is nothing new. The state has in the past from time to time appropriated money for different academies and schools throughout the state, and the Senator from Kennebec (Senator Hopkins) says he fears it might set a precedent but I say to him and to the Senate that if next year or any other year a school in like circumstances which has lost its buildings by fire and is unable to go on without help from the state, if they come before the legislature and present their case, no doubt they will be used generously and well. So I don't think we are incurring any great danger in granting this amount to this school and I move that the bill be passed to be enacted.

Mr. GOOD of Aroostook: Mr. President, living within twelve miles of Ricker Classical Institute, as I do, I think maybe I might add a little to what my colleague, Senator Brown, has said.

I have brothers who attended Ricker Classical Institute and then went to Colby College, and in my day, rearing a family of five children, we all attended Ricker Classical Institute. I had a boy who graduated from Ricker Classical Institute and then continued on to Ricker College and then went to Bowdoin and finished his college course and graduated in the average rank of the other boys.

This all leads me to believe that Ricker Classical Institute has established two years of a good course. It may be a little different

than the majority of academies. Houlton has a very fine high school but the population in children in the surrounding towns is so numerous that about all Houlton can take care of is their own children. There are twenty-two towns surrounding Houlton. Someone gave me the figures but I am not sure. There is Littleton, Monticello, New Limerick, Ludlow and other towns around there that have no high school and the children, practically all go to Ricker Classical Institute to get their education, and two years of college means so much to the boys and girls in that vicinity where they are so far away from a college.

I have talked with the trustees of the school and they raised practically \$140,000 by a private subscription. Men even contributed an acre of potatoes. Some said they would give the proceeds from an acre of potatoes. We have done everything in our power and have done everything possible to reestablish this school and take care of the children. This emergency rose after they lost their building by fire and we have got it to the place where we can take care of a certain number but the veterans are coming in and needing education. We have already taken care of about 90 veterans to take the summer course and when the fall comes with the influx of new students it is going to be impossible to take care of them. If you could give \$50,000 it would provide the facilities to take care of 150 veterans.

It seems to me, with the program that is before us and trying to provide school facilities to take care of the veterans that I don't know of anything that is any more of an emergency than it is to grant this \$50,000.

There have been other cases. I think at Colby College at one time there was an emergency and they received a grant. Also Bates at one time. I think the statute provides, on page 33 of the Revised Statutes of 1944, that when a real emergency rises a grant should be made, or words to that effect.

We are not establishing any new record or any new precedent and I feel it is a just cause. I believe it is only right and I think it is fair and I believe that you members of the legislature, this group

here, knowing you as I do, have it in your minds that what you want to do is to take care of the veterans just as much as possible. I think we are doing a great job if in this special session we do nothing more than to provide facilities where we can accommodate 500 veterans and give them an education. If we do that I think this special session will have been really worthwhile. Therefore, I hope the bill has a passage.

Mr. SPEAR of Cumberland: Mr. President, I have no doubt as to the worthiness of the cause of the Senator from Aroostook. I am trustee of an academy in Cumberland County, Bridgton Academy. I think they were very smart to put in this bill. Had I known it was coming in I should have had one too.

We have had a great many applications for veterans to enter the academy this fall but we cannot satisfy them all. Some of them we can. These trustees have gone out and bargained to get a couple of buildings for dormitories and we are going to try to do the best we can and accommodate as many veterans as we can.

It seems to me that \$50,000 is about a third as much as we grant all the academies in one year, and that seems to be quite a bit of money. I would be willing to go along on a revolving fund and loan money to an academy, with or without interest, they to pay it back as fast as they can and if they can't I wouldn't find any fault since it is in a worthy cause. However, for the purpose of offering an amendment I would like to have this laid upon the table until tomorrow morning.

Thereupon, the Resolve was laid upon the table pending passage to be enacted and especially assigned for tomorrow.

The President laid before the Senate, the second tabled and today assigned matter bill An Act Providing for Construction of Dormitories at the University of Maine and Appropriating Moneys Therefor (H. P. 1530) (L. D. 1246) tabled by the Senator from Somerset, Senator Savage, pending the motion by the same Senator, that the Senate reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Senator Savage of Somerset then presented Senate Amendment A and moved its adoption. The Secretary read the amendment.

"Senate Amendment A to bill An Act Providing for the Construction of Dormitories at the University of Maine and Appropriating Moneys Therefor (H. P. 1530) (L. D. 1246). Amend said bill by striking out the figures \$500,000 in the 3rd line of Section 2 thereof and inserting in place thereof, the figures \$1,000,000."

Thereupon, Senate Amendment A was adopted.

Senator Boucher of Androscoggin, then presented Senate Amendment B and moved its adoption. The Secretary read the amendment:

"Senate Amendment B to bill An Act Providing for Construction of Dormitories at the University of Maine and Appropriating Moneys Therefor (H. P. 1530) (L. D. 1246). Amend said bill by striking out all of Section 3 thereof and inserting in place thereof the following: 'Section 3. Trustees Authorized to Negotiate Contracts. The trustees of the University of Maine are authorized to negotiate a construction contract or contracts with a contractor or contractors under the provisions of sections 43 to 49 inclusive of Chapter 14 of the Revised Statutes.'"

Mr. HOPKINS of Kennebec: Mr. President, in normal times I would be in support of this amendment. I'd like to remind the Senate that if we adopt an amendment such as this at this time, it would penalize the University program both as to time and as to cost. In order to let a contract today that requires six months or more to perform, it is necessary for a contractor to figure his cost and add his profit and add large contingent fees for outlays that may come from difficulties in securing material as well as contingencies arising from lumber costs. We, who are connected in any way at all with construction know there are many materials today which are in considerable demand. In order to do work and finish it in time it is almost absolutely necessary to make large amounts of substitutions—steel, for instance—no one can say today how long it would take to acquire steel for an extensive construction job. When you do acquire steel you may have to sub-

stitute the steel you desire and take what steel you can procure. That is true not only of steel but of many other building materials. The University is working on an emergency program. It must get this program under way. It must have a flexible enough program so it can make substitutions. Many large corporations are finding today they cannot do work by lump sum contracts, open bids, would make it impossible to complete the program in time. I hope the Senate will not support this amendment.

Mr. OWEN of Kennebec: Mr. President, I won't take up the time of the Senate. I simply want to say I have listened to the remarks of my colleague, Senator Hopkins, and I am in complete accord with everything he has said.

Mr. BOUCHER of Androscoggin: Mr. President, in support of my amendment I want to call the attention of the Senators that I am quoting sections of the law of the State. I understand all contracts in the past have been let out under that law. I will admit that there is a shortage of construction materials. That is well known throughout this state and throughout this country, but it is not good enough excuse to me to hand a contract of a million dollars on a silver platter to some individual, at the choice of some trustees.

Under the present law if on a contract, bids are called for and the Governor and Council do not receive proper bids they can go and negotiate to receive the proper contract. I feel that if we follow the law we will get competent bids on this construction and it should be awarded to the lowest bidder. Under the present law of the State of Maine the Governor and Council will choose the contractors who will bid on this and I have all faith in the world that the Governor and Councilors will choose proper contractors to submit bids. Therefore, I ask you to sustain the laws of the State and see that these contracts are awarded legally under the laws of the State.

Mr. CURRIER of Androscoggin: Mr. President and Senators, during the last regular session of this legislature we had a very serious fire in Androscoggin County in which 17 babies and one adult lost their lives. Now, we have heard of substitution of materials, something that sometime might bring a hazard, a scan-

dal to the State of Maine. Steel is on the market. Lumber is on the market, and the price is fixed by the federal government, and I think for a university or a school, even including Ricker Classical Institute, there should be no substitution, lest at some future time or at some future date we might have the headlines, "We have a State that regrets the loss of life." I say to you as a lumber producer with knowledge of the steel markets, that the University of Maine or the State of Maine should not substitute materials or should not give a contract to some contractor with the right to substitute, for in some future day we might wake up in the morning and read in the newspaper where there was loss of life in the State of Maine due to the substitution of inferior materials. Therefore, I hope and I pray—and I doubt if my prayers are accepted—but still I am praying that never in the State of Maine do we substitute materials due to a silver platter contract, given for political reasons, which will jeopardize life in the State of Maine. Therefore, I sincerely hope and again I say that I am praying that any contract let in the State of Maine for public construction for the people of the State of Maine will be let on a competitive basis.

Mr. HOPKINS: Mr. President and members of the Senate, it is most interesting to me that any man would arise and contend that a substitution would be made that would involve safety. Substitutions may have to be made but not of the type that will involve safety. They will be the type of materials that will do the same job with equal safety in every respect. Just to give an example of a substitution which has to be made in construction today. I was talking with a designer the other day who was designing extensive work. He wanted some eight inch steel channels, standard structural channels and much to his surprise he found in order to get those channels it would take eight months, but by substituting eight inch ship channels he could get them immediately. You who know construction know that there is no question of safety involved in changing from structural channels to ship channels if you get equal strength, and that is the substitution made in that case. If you go around in large building construction jobs you will find substitutions in all kinds of materials,

substitutions of materials but not less desirable. I am sorry to say some specifications require some additional cost but unless you are willing when doing construction today, to work with the market and get the material which will do the job and use that, you will be tremendously impeded in the building work. That is what the University would be faced with if they undertook to do the work on a blanket contract. It would have detailed specifications of the buildings in every respect. Contractors would be tied up days on end waiting for something required in the specifications, waiting for something that perhaps could be secured in the market in a few days if a substitution equally desirable could be adopted.

So we have this matter before us. If you really want the University to do the job we are laying out for it, I hope you will defeat this amendment and give it authority to go ahead and do business in the way people in construction work have to do it today.

Mr. BOUCHER of Androscoggin: Mr. President, I attended the hearing on this matter. I heard the trustees and they didn't seem to be in as great a hurry as our good Senator from Kennebec wants us to believe. They admitted very frankly that they had no definite plans as yet. They admitted very frankly that they had no specifications as yet because they were looking around in the market to see what was available. I say they are not ready, according to the hearing, to let this contract out tomorrow. I say they will not be ready, I do not believe, in this year. I believe from what I heard in that hearing that they intend to start construction next spring and I am satisfied, as a practical contractor, that between now and next spring they can have proper plans and specifications drawn up with the knowledge of what is available in the market and then let out those contracts on a competitive basis.

That is what the law of this state requires and I think we should not break the law of the state by giving authorization from this legislature to do otherwise.

Mr. CURRIER of Androscoggin: Mr. President, I feel that since the trustees of the University of Maine in open hearing have stated and

implied that they would not be ready until next spring because they have got to look around, that the whole matter should be referred to the 93rd legislature.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate adopt Senate Amendment B. Is the Senate ready for the question?

A viva voce vote being had

The motion to adopt Senate Amendment B did not prevail.

Mr. BOUCHER: Mr. President, I would like to have a division of this Senate on the question.

A division of the Senate was had

Two having voted in the affirmative and twenty-two opposed, the

motion to adopt Senate Amendment B did not prevail.

Thereupon, the bill was passed to be engrossed as amended by Senate Amendment A in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Brown of Aroostook

Adjourned until tomorrow morning at nine o'clock Eastern Standard Time.