

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 26, 1947.

The Senate was called to order by the President.

Prayer by the Rev. Winston L. King of Waterville.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I would like to say a few words about Androscoggin Day in August.

Lewiston, the industrial heart of Maine, is happy to join its sister-city Auburn and neighboring towns in the observance today of Androscoggin County day at the State Capitol. We of Androscoggin County, and according to the 1940 census there are 76,679 of us, are naturally proud of our county. We are proud of our fine industries which supply direct employment for nearly 20,000 people. We point with pride to the many modern farms which dot our countryside, to the numerous lakes and ponds which surround our cities and towns. We like to talk about the fine residences we have, the beautiful churches and public buildings, the modern and spacious stores which attract shoppers from many miles around. And of course we like to tell everybody about how friendly and hospitable everybody is in Androscoggin County, and we invite our neighbors in Maine to visit us. We are proud of our Bates College, a fine institution of higher learning known across the country and across the oceans.

Androscoggin County is essentially an industrial area, since 58,415 out of its 76,679 inhabitants live in Lewiston and Auburn, the only two cities in the county. Androscoggin, with its 478 square miles, ranks 13th in the 16 counties as to land area, but ranks 6th in county population and 2nd in population density per square mile. Over 144 industrial plants employ one-quarter of the entire population of the county. Three national banks, six trust companies, four savings banks, four loan and building associations and

one industrial bank serve us. We have three daily newspapers and three weekly newspapers.

Interesting facts about the city of Auburn, which is the county seat, will be given you later by the president of the Auburn Chamber of Commerce, so I will confine myself to the rest of the county, including of course Lewiston, which in population ranks second in the State. Lewiston is the textile center of the State of Maine and is rapidly becoming one of the most important textile centers of the country. The three divisions of the Bates Manufacturing Company, the Bates, Hill and Androscoggin divisions, the Lewiston division of the Pepperell Manufacturing Company, the Continental Mill, the W. S. Libby Company and the Cowan Mill together employed 7498 persons during the month of January. These figures represent an increase of 900 over the corresponding month in 1946. Lewiston textile employees earned \$1,778,618 during the first month of this year. This payroll represents an increase of \$744,119—nearly three-quarters of a million dollars—over January a year ago. If you could attend the exhibit which we have before our eyes here today in connection with Androscoggin Day activities, you would really see some of the finest, best-known and best advertised textile products in the world. These, ladies and gentlemen, are Maine products, produced by skilled Maine labor, sold and advertising Maine from one end of the country to the other.

There are other industries in Lewiston which contribute in making it the Industrial Heart of Maine. We have the North American Philips Company, tungsten wire, rod and sheet manufacturers, employing over 100 people. There are shoe manufacturers in Lewiston too. These employ well over 500 people. We manufacture cabinets, belts, bobbins, monuments, brooms, lumber, boxes, mattresses, truck bodies and many other items. We even have an incense manufacturer, the Paine Incense Company, a thriving industry which puts out fir balsam products known and asked for from coast to coast. Lewiston has a distillery, Lawrence & Company, and incidentally Poland Spring Water, known the world over, is a product of our county.

In the county, excluding Auburn,

about which you will later hear, there are many diversified industries providing work for thousands of people. May we mention among others the Bonafide Mills of Lisbon, linoleum manufacturers employing over 350; the Farnsworth Mill in Lisbon Center, manufacturers of woolen goods; the Nashua Manufacturing Company of North Monmouth; the Pond's Extract Company of Mechanic Falls which produces the well known Pond tissues. Another large industry is the Worumbo Manufacturing Company of Lisbon Falls, with over 600 employees.

In the few minutes at my disposal, it is impossible to enumerate all the products manufactured in Androscoggin County.

I merely want to point out the important part which industry plays in the economic life of Androscoggin County and consequently in the economic life of the State of Maine. We are proud of our industries, for they are an integral part of our well-being. We are proud of them like Aroostook County is proud of the potatoes it produces, like York County is proud of its fine summer resorts. We are proud of Androscoggin County and thankful to God that it is part of Maine.

Therefore, Mr. President, I offer an order out of order and move its passage.

The Secretary read the order:

"ORDERED, that Jeannine Martineau of Lewiston High School and Joyce Cameron of Edward Little High School are hereby appointed honorary pages of the Senate pro tem during today's session.

The PRESIDENT: On behalf of the Senate the Chair welcomes the honorary pages, and the Chair requests the pages of the Senate to conduct the honorary pages to their stations.

Thereupon, the pages of the Senate conducted to their stations the honorary pages of the Senate just appointed, amid the applause of the Senate, the members rising.

Referred to Committee

Bill "An Act to Provide Revenue for the Construction and Extension of Airports, and to Regulate and Control the Expenditures Thereof." (H. P. 138) (L. D. 1326)

Comes from the House having been referred to the Committee on

Appropriations and Financial Affairs.

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, yesterday the Committee on Aeronautics conducted a public hearing on legislative document 1266 which has many provisions that are similar to those in this bill. We have deferred an executive session pending the arrival of this bill, feeling that they should be considered together. I would therefore move that this bill be referred to the Committee on Aeronautics in non-concurrence.

The motion prevailed and the bill was referred to the Committee on Aeronautics in non-concurrence.

Sent down for concurrence.

House Committee Reports

The Committee on Pensions on "Resolve, Providing for an Increase in Retirement Pension for Oscar F. Williams," (H. P. 500) (L. D. 321) reported that the same ought to pass.

Which report was read and adopted in concurrence, the resolve read once and tomorrow assigned for second reading.

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Fire Insurance Policies," (H. P. 121) (L. D. 98) reported the same in a new draft (H. P. 1637) (L. D. 1317) under the same title and that it ought to pass.

Which report was read and adopted in concurrence, and the bill in new draft read once and tomorrow assigned for second reading.

First Reading of Printed Bills

Bill "An Act Relating to the Taking of Fur Bearing Animals from the Traps of Another." (S. P. 474) (L. D. 1330)

Bill "An Act Amending the Charter of the City of Lewiston." (new title) (S. P. 475) (L. D. 1331)

Bill "An Act Relating to Eligibility of Certain Clubs for Liquor Licenses." (S. P. 476) (L. D. 1329)

Which were severally read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. McKusick from the Committee on Pensions on "Resolve Granting a Pension to James L. Walker, of Oxford," (S. P. 290) reported the

same in a new draft (S. P. 481) under the same title and that it ought to pass.

Mr. Boutin from the same Committee on "Resolve Granting a Pension to Eugene H. Stevens, of Norway," (S. P. 289) reported the same in a new draft (S. P. 482) under the same title and that it ought to pass.

Which reports were severally read and adopted and the bills in new draft laid upon the table for printing under the joint rules.

Mr. Bishop from the Committee on State Hospitals on "Resolve Providing for Purchase of Land for the Bangor State Hospital," (S. P. 300) (L. D. 793) reported that the same ought to pass.

Which report was read and adopted, the resolve read once and tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Providing for Payment of Personal Property Tax on Trailers Before Motor Vehicle Registration Permitted." (H. P. 1512) (L. D. 1136)

Bill "An Act Relating to Manufacture and Sale of Apple Cider." (H. P. 1524) (L. D. 1117)

"Resolve Authorizing Warren Worster of Greenville to Construct a Wharf." (H. P. 1538) (L. D. 1168)

Bill "An Act Relating to the Salaries of the Judge and Recorder of the Millinocket Municipal Court." (H. P. 1635) (L. D. 1312)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Declaring Greater Portland Public Development Commission as a State Agency." (H. P. 53) (L. D. 45)

Bill "An Act Relating to Licenses for 'On Premise' Sale of Malt Liquor." (H. P. 1103) (L. D. 678)

Bill "An Act Relating to Revocation of Liquor Licenses." (H. P. 1566) (L. D. 1195)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

Bill "An Act Permitting the Declaration of Graduated Dividends by Savings Banks." (S. P. 167) (L. D. 426)

(On motion by Mr. Hopkins of Kennebec, tabled pending passage to be engrossed.)

Bill "An Act Relieving Towns from Care of Neglected and Dependent Children." (S. P. 246) (L. D. 663)

Bill "An Act Relating to Immunization Against Certain Infectious Diseases" (S. P. 293) (L. D. 800)

Bill "An Act Relating to Penalty for Posing as Indian in Vending." (S. P. 367) (L. D. 1035)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Continuing the Division of Veterans' Affairs." (S. P. 472) (L. D. 1319)

Mr. Batchelder of York presented the following amendment and moved its adoption. The Secretary read the amendment:

"Senate Amendment A to S. P. 472, L. D. 1319, bill, An Act Continuing the Division of Veterans' Affairs. Amend said bill by striking out all of Section 5 thereof and inserting in place thereof the following: 'Sec. 5. R. S., c. 22, Par. 295—297, Par. 299—306-A, repealed, and Par. 298 amended. Sections 295 to 297, inclusive, sec. 299 to 306 inclusive, and section 306-A, as enacted by chapter 150 of the Public Laws of 1945, all of chapter 22 of the revised statutes are hereby repealed. Section 298 of chapter 22 of the revised statutes, as amended by chapter 271 of the public laws of 1945, is hereby amended by repealing the 1st paragraph thereof.'

Thereupon, on motion by Mr. Leavitt of Cumberland, the bill was laid upon the table pending adoption of Senate Amendment A.

Bill "An Act Relating to Mineral Oil in Food." (S. P. 294) (L. D. 797)

Bill "An Act Creating the Westport-Wiscasset Bridge District." (S. P. 376) (L. D. 1061)

Which were severally read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate, bill, An Act Relating to Deposit of Potatoes into Waters of the State, (H. P. 1537) (L. D. 1167) tabled by the Senator from Aroostook, Senator Barnes on March 25 pending passage to be engrossed, and today assigned.

Mr. BARNES of Aroostook: Mr. President and members of the Sen-

ate, this bill was tabled by me yesterday for the purpose of offering an amendment. I have just checked with the office of the Revisor of Statutes and the amendment has not as yet been prepared. I therefore move that the matter be retabled.

Thereupon, the bill was laid upon the table pending passage to be engrossed.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table bill, An Act Relating to the Licensing of Eating and Lodging Places (H. P. 1310) (L. D. 889) tabled by that Senator on March 18 pending passage to be engrossed, and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Persons Maintaining Children's Homes (H. P. 1311) (L. D. 890) tabled by that Senator on March 18 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relating to the Licensing of Life Insurance Agents, (H. P. 1026) (L. D. 666) tabled by that Senator on March 19 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Noyes of Hancock the Senate voted to take from the table bill, An Act Limiting the Weight, Length, Width and Height of Motor Vehicles (H. P. 1194) (L. D. 782) tabled by that Senator on March 20th pending assignment for second reading.

Mr. NOYES of Hancock: Mr. President and members of the Senate, at the time this bill was heard before the Committee on Motor Vehicles another bill was heard before that Committee relating to the carrying of pulpwood. I think it is the unanimous wish of the Committee that pulpwood trucks be allowed to carry pulpwood when the maximum width of the truck is eight feet and six inches. I have had prepared an amendment to this bill

which would incorporate in Legislative Document 782 those facts that are incorporated in the bill that we have under consideration. If this amendment that I have is adopted we can then report out the other bill "Ought Not to Pass as Covered by Other Legislation". and I offer Senate Amendment A and move its adoption.

The Secretary read the amendment: "Senate Amendment A to L. D. 782, "An Act Limiting the Weight, Length, Width and Height of Motor Vehicles, Amend Section Four of said bill by adding at the end of the first sentence of that part designated Section 85, the following underlined words: 'Except that when hauling pulpwood all pulpwood motor vehicles or trailers may operate on any way or bridge when the load extends a total of not exceeding six inches beyond the maximum structural width of said vehicle or trailer.'"

Thereupon, on motion by Mr. Dunbar of Washington, the bill and accompanying papers were laid upon the table pending the adoption of Senate Amendment A.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor (S. P. 422) (L. D. 1208) tabled by that Senator on March 20th pending adoption of the report.

Mr. MORRILL: Mr. President and members of the Senate, while we pause this morning to witness the burial of the Lieutenant Governor who obviously never got out of the committee room of the legislature during the session, I would like to stand him up and dress him up so he will die with his boots on rather than in his present recumbent position.

First, I would like to review the hearing which was quite unusual. The hearing was held before the Judiciary Committee a week ago yesterday. I find no fault with the decision of the committee on the basis of public demand and acceptance. There was one proponent, who was myself. To this resolve there were no opponents. Two bills were heard at the same time, this resolve and a bill which provides

for salary and expense account of the Lieutenant Governor. The only objection expressed before the committee was by the representative of the Communist party who said he did not object to the bill, itself, but thought that \$5,000 was too much money to pay a man to wait around for the death of the Governor. I agree with him if that were to be all he had to do but the Lieutenant Governor I had in mind was not destined to wait around for the death of any Governor.

I presented to the committee facts and figures relative to the history and present status of lieutenant governors in 37 of our States and I assume they read all this material, and I believe I presented a fairly decent case.

I would like to read from the Senate record of February 12, 1947 on page 186—part of the speech before the Senate by one of the members of the Judiciary Committee, and I quote as follows: "I find a lack of interest in voting. I said last night in the lobby of the Augusta House that I started in as a young man 'hauling' voters. I thought I wouldn't have to do that any more, but when I go down to the polls on election day, early in the morning and find the lack of interest in voting, then I find myself in an automobile, trying to get voters out and voting. It is no easy job. We have dropped down, way down, from 310,000 in 1936 to 297,000 in 1938. From now on I shall use round figures. In 1940 the vote went down to 255,000; in 1942 to 176,000. We are fast wiping out the influence the women had on party politics if you remember the figures I gave you for 1908 and 1916. In 1944, 187,000; in 1946, 179,000."

I will state this was on the bill which was before the legislature on the four-year term for Governor. He continues: "Now, with that situation confronting us, we have this measure that although we are elected every two years, and although the county officers are elected every two years, we are asking to remove what should be an influence to draw out the vote and help get out voters in Maine. We are asking to drop off the head of the ticket and only elect a Governor once in four years. Now let me tell you what the situation would be if we had this law now. In 1950 the only person that you would have to head your ticket would be your candidate for Congress in the

three congressional districts, because you would not be electing a U. S. Senator that year. I never knew of anyone getting much interested in a candidate for Congress. He goes along with the ticket and with the Governor. We take what the Governor has done for the people and we build around him and what he has accomplished, to get out the vote. Now, you eliminate him, you eliminate your candidate for the Senate, and all you have left in your several counties are your county officers and your members of the legislature, and I have failed yet to find anybody getting very much heated or interested in county candidates or candidates for State Senator or Representative. You will go, just as truly as I am standing here—I am not a prophet, nor a son of a prophet, but I believe I am prophet enough to prophecy that if you eliminate the head of the ticket and rely on the candidates for Congress and county offices to get out the vote, you will see this vote drop even below the 179,000 that it was in 1945."

I would like to read farther along in the same speech: "We lawyers know that in looking up precedents, if we can't find a Maine case that fits the legal problem, probably the next state we turn to is Massachusetts and if we find a Massachusetts case, we feel pretty sure that Maine would follow Massachusetts as Maine often does, particularly as to the common law. As you all know, Massachusetts is the mother of the State of Maine. I cite that because I feel that the people of Massachusetts are pretty wise. They elect a Governor every two years and do not stop there either. They elect by popular vote which has a tendency to interest people so that they will go out and vote. They elect by popular vote those whom we in this State elect by the legislature; that is, the Secretary of State, the State Treasurer, the State Auditor, Attorney General, and the members of the Governor's Council." I think in Massachusetts they also elect by popular vote a Lieutenant Governor.

Farther along in the debate another Senator, also a member of the the Judiciary Committee said this, "It is a difficult proposition to get the voters out. There may be occasions when the County ticket is strong enough to get out the voters but ordinarily we have to depend on the head of the ticket. This is not a question of party politics at all.

It is a question of getting out the voter."

I would like to quote one of the proponents of the same measure, and I quote: "All the figures we have heard quoted by the Senator from Washington, Senator Dunbar, are things of the past, things of years ago. The thing that we should consider is this: The duties of the Governor of the State of Maine have grown with the years and where a man twenty years ago had ample time to run for office every two years, under the present set-up of the administration in the State of Maine a man does not have the time, and if he takes time, he takes it from his affairs of state. The Governor of the state of Maine used to operate with a very small staff of assistants. Twenty years ago I do not know how many made up his office force, but we all know that today he has two administrative assistants and a number of office clerks and assistants and they all seem to be very busy in the administration of the affairs of the office. The Governor himself, if you have had any opportunity to try and see him, is you have probably found, very busy."

I would like to quote a little farther on in this speech: "I would merely ask you to consider this: Don't let us dwell in the past. It is always a wonderful thing from a legal point of view to look into the past for a precedent, to point to something that has been done. I think we should legislate with an eye to the future. I do not think the Governor's work will be any easier in the years to come or any less prolific with the laws that we are passing. It is getting more and more difficult to administer. It takes more and more time by the head of the Ship of State, and certainly in the future it will take no less. Let us legislate for the future."

I think there is something in the debate on that measure that more or less justifies my bill to create the office of Lieutenant Governor in the State of Maine. I do not know as it fully justifies it but I do think there are some reasons for it. In presenting figures to the committee, I can remember the following general statistics. Out of the 37 states that at the present time have a Lieutenant Governor, 20 have mere figure-heads. They are in almost all cases the President of the Senate, but otherwise their duties seem

to be to wait around for the Governor to die. In 17 states, one of which recently created the office of Lieutenant Governor, the Lieutenant Governors have been made work-horses. In some states he is a member of many important boards and is more of an administrative assistant than a figurehead.

My idea in creating this office was to prepare a resolve proposing an amendment to the Constitution, and have it as clean as possible and allow a future legislature to designate in the statutes what the duties of the Lieutenant Governor should be. Preferably he should be made a workhorse and not a figure-head. I do not believe in a Lieutenant Governor as a figurehead. I think you saw the example of Lieutenant Governor Thompson of Georgia.

After some difficulties he is now Governor, and I think he is more qualified to be Governor than Mr. Talmadge. I do not know Mr. Thompson but I think he is more qualified of the two. I think in case a Lieutenant Governor succeeds the Governor you have a man not only qualified by his experience in administrative duties but also elected by all the people.

I do not think there is any point in extending this argument. I think I know how the voting is going to be, but as I say, I would like to see the Lieutenant Governor have a chance to die with his boots on. I move the resolve be substituted for the "ought not to pass" report of the committee.

THE PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Morrill, to substitute the resolve for the "ought not to pass" report of the committee.

A division of the Senate was had.

Fifteen having voted in the affirmative twelve opposed, the motion prevailed.

Thereupon, on motion by Mr. Morrill of Cumberland, the resolve received its first reading and was tomorrow assigned for second reading.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table, Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill "An Act Relating to Salary and Expense Account of Lieutenant-Governor" (S. P. 423) (L. D. 1209) tabled

by the Senator on March 20 pending adoption of the report.

Mr. MORRILL of Cumberland: Mr. President, I move the substitution of the bill for the "Ought Not to Pass" report of the Committee.

A viva voce vote being doubted

A division of the Senate was had. Sixteen having voted in the affirmative and thirteen opposed, the motion to substitute prevailed, and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Continuing the Division of Veterans' Affairs (S. P. 472) (L. D. 1319) tabled by that Senator earlier in today's session, pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted and the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I am going to ask unanimous consent of the Senate to introduce a bill. The town of Mars Hill is badly in need of a new gymnasium and auditorium. I think perhaps I can best convey to the members of the Senate the purpose of this bill by reading the short preamble to the bill itself:

Emergency Preamble. Whereas the existing facilities for physical education in the schools of the town of Mars Hill are entirely inadequate; and

Whereas the conditions in the Mars Hill Grade School are congested; and

Whereas the construction of the proposed gymnasium-auditorium will release space for additional classrooms; and

Whereas, overcrowded conditions make it impossible to properly instruct the students in said schools and to maintain proper health and sanitary conditions therein whereby the health, welfare, peace, and safety of students is jeopardized, and

Whereas, it is impossible for the

town of Mars Hill to borrow the necessary money with which to build a school building or buildings, and

Whereas, if immediate action is taken it may be possible to obtain federal funds to assist in the building of the new school building or buildings, and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

Be it enacted by the People of the State of Maine, as follows."

Now I don't believe that the introduction of this bill will hold up the work of the legislature at all. It, of course, contains a local referendum clause. It is permissive legislation only. I realize that it is rather late in the session, but the matter was only brought to my attention last week. I therefore ask unanimous consent to introduce this bill.

Thereupon, unanimous consent was granted for the introduction of bill, An Act to Incorporate the Town of Mars Hill School District, which bill was received and on further motion by the same Senator was referred to the Committee on Legal Affairs.

Sent down for concurrence.

The PRESIDENT: The Chair calls to the attention of the Senate that Legislative Document 133, An Act Relating to Clerk Hire in the County Offices in Sagadahoc County, is now in the possession of the Senate, having been recalled from the office of the Governor by a joint order passed yesterday.

Thereupon, on motion by Mr. Cross of Kennebec, the Senate voted to reconsider its former action whereby this bill was passed to be enacted and its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Boutin of Androscoggin,

Adjourned until tomorrow morning at ten o'clock.