

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

SPECIAL SESSION

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1932

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

April 1, 1932.

In compliance with a proclamation of His Excellency, the Governor, William Tudor Gardiner, the Senators convened in the Senate Chamber at ten o'clock in the forenoon.

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

By direction of the President, the Secretary read the proclamation:

STATE OF MAINE

A Proclamation by the Governor
Special Legislative Session

WHEREAS, a recent decision of the Supreme Judicial Court of the State of Maine has given such construction to one of the tax laws of the State as to cause uncertainty in the administration of the law and a prospective loss of revenue that appears seriously to affect the appropriations for highway purposes, it appears advisable and necessary that the Legislature should assemble in order to consider and clarify the terms of this law;

I, THEREFORE, by virtue of the power vested in the Executive, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, in Augusta, on Friday, the first day of April, at ten o'clock in the forenoon, in order to receive such communication as may then be made to them, and to consult and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor and sealed with the Great Seal of the State of Maine, this sixteenth day of March, in the year of our Lord one thousand nine hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

(Seal)

By the Governor:

EDGAR C. SMITH,
Secretary of State.

Which was placed on file.

ROLL CALL

The roll being called by the Secretary, the following Senators responded to their names:

Aldrich, Bissett, Boulter, Campbell, Carter, Crockett, Crosby, Farnsworth, Foster, Greenleaf, Holman, Jackson, Kitchen, Leland, Littlefield, Martin, McLean, Murchie, Page, St. Clair, Small, Spear, Story, Towle, Weatherbee, Weeks, Weymouth, Wheeler.

The President announced that a quorum was present.

On motion by Mr. Holman of Franklin, it was

ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

The Secretary subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Greenleaf of Androscoggin, it was

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

The President appointed Senators Greenleaf of Androscoggin, Wheeler of Oxford and Bissett of Cumberland, to convey the message.

The Committee retired, and subsequently reported that they had delivered the message with which they were charged.

A message was received from the House of Representatives, by Mr. Chapman, its Clerk, informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before that body.

The following communication from His Excellency, the Governor, was read:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 1, 1932.

To the President of the Senate and Speaker of the House:

I requested the members of the 85th Legislature to assemble today in special session, by a proclamation reciting the circumstances that have arisen in connection with one of the tax laws of the State, causing uncertainty in the adminis-

tration of the law and a prospective loss of revenue that would appear seriously to affect the appropriation for highway purposes. There seems no necessity for taking any time for a joint convention to receive any message.

The Secretary of State will communicate to you the Joint Resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of an assembling of Congress, which has been recently received from the Federal Government. While this matter might await the next regular session, it seems suitable to transmit it to you now, and I believe it proper to consider and act on it today.

I wish to thank the members for their attendance at this session.

Respectfully submitted,

WM. TUDOR GARDINER,
Governor.

Which communication was placed on file.

A communication from the Secretary of State, was read:

"STATE OF MAINE

Office of the Secretary of State
Augusta, Maine, April 1, 1932.

To the President of the Senate and Speaker of the House of Representatives:

By direction of His Excellency, The Governor, I have the honor to transmit herewith a certified copy of a Resolution of Congress, the same having been received at the Executive Department on March 8, 1932.

The Resolution is titled as follows: 'JOINT RESOLUTION Proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress,' and is submitted for such action as the Legislature may see fit.

Respectfully,

EDGAR C. SMITH,
Secretary of State."

The Resolution was read and placed on file.

On motion by Mr. Towle of Kennebec, out of order, it was

ORDERED, that Charles P. Lyford of Augusta, be appointed Official Reporter of the Senate for the Special Session.

On motion by Mr. Weatherbee of Penobscot, out of order, it was

ORDERED, that the Secretary of the Senate be authorized to procure the services of two stenographers during the Special session, and for the preparation of the Senate Journal.

Which was read and passed.

On motion by Mr. Small of Waldo, out of order, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the special session of 1932 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, 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.

Sent down for concurrence.

Subsequently the foregoing order came back back from the House, read and passed in concurrence.

On motion by Mr. Boulter of York, it was

ORDERED, that the Senate Reporter be authorized to employ a typist during the Special Session.

On motion by Mr. Jackson of Cumberland, out of order it was

ORDERED, that the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate during the present session.

From the House the following order:

ORDERED, the Senate concurring, that all bills and resolves introduced at this session except

(1) An Act relating to the Gasoline Tax

(2) A Resolve ratifying the amendment to the Federal Constitution regarding "Lame Duck Session" so called

(3) An Act relating to expenses of Primary Elections

(4) Such Bills and Resolves as may be necessary to defray the expenses of this special session; be referred to the Eighty-sixth Legislature.

Came from the House read and passed.

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending consideration.

Paper from the House disposed of in concurrence.

Mr. WEEKS of Somerset presented,

Resolution ratifying a proposed amendment to the Constitution of the United States fixing the commencement of the terms of the President and Vice President and members of Congress and fixing the time of the assembly of Congress.

The Secretary read the resolution.

Mr. WEEKS of Somerset: Mr. President, I move the adoption of this resolution. I think that every member of the Senate is more or less familiar with its purport and that any extended remarks which I might make would be superfluous. The legislation as drawn up was submitted to every member of the Judiciary Committee and so far as the form is concerned, not the principle itself, the Judiciary Committee is in unanimous approval. I trust that my motion will prevail.

Mr. ALDRICH of Sagadahoc: Mr. President, while I have no objection to the contents of the proposal upon which we are called to act, in view of the fact that it contemplates that the various states, apparently, may have seven years within which to determine whether or not the Constitution shall be amended, it would seem to me rather hasty action on our part to immediately adopt this resolution without at least some consideration of the same. In view of the fact that this session has been called for a specific purpose to consider a specific bill, as I understand it, it would be my opinion that it would be better for us to leave this matter for the next Legislature which can, and undoubtedly will, give it due consideration, and whose action if favorable will be in ample time to join in such action as the other states may take.

The PRESIDENT: The question before the Senate is upon the adoption of the resolution presented by the Senator from Somerset, Senator Weeks. Are you ready for the question?

The resolution was adopted.
Sent down for concurrence.

At this point the Hon. Frank H. Holley, former President of the Senate, was escorted to a seat at the right of the Chair amid the applause of the Senate, the members rising.

Mr. Murchie of Washington presented bill "An Act to Amend the Law Governing Primary Elections."

Mr. MURCHIE of Washington: Mr. President, I suppose that this bill ought to be read at some stage but I want to make this motion, that the rules be suspended and the bill be given its several readings at this time and be passed to be engrossed. Before the motion is put I would like to say two things to you. First, I want to clarify what seems to be a misapprehension in some parts of the state as to the circumstances involved in the law as originally passed. I understand it was stated authoritatively about two months ago that compliance with the requirements of the legislation might cost the state \$50,000, or approximately \$50,000, for the publication. I checked that matter up with the Secretary of State and I have here a letter which he wrote to me under date of March 23rd. I won't read the letter in full but I do want to read the essential part of it, one paragraph: "Your letter makes a correct statement of what I told you in relation to the expenditures under the primary law in accordance with chapter 263 of the Public Laws of 1931. I will repeat my statement in this letter so that you will have it before you. I have made a careful estimate as is possible of the probable expense of advertising the accounts rendered by candidates under that law and to the best of my judgment it will not exceed six thousand dollars and it is very possible that I shall not be obliged to call on for more than two thousand to two thousand five hundred dollars out of the regular primary appropriation."

Briefly, this amendment changes the law so that the weekly papers will carry only the expense of those

candidates whose names appear on ballots used, or to be used, within the county where each weekly paper is published. I don't know what the saving will be but it will reduce the \$6,000, if the Secretary of State follows the new procedure, a matter of about \$1500 or \$2,000, in all probability. I have not attached an emergency clause to this bill. Without an emergency clause it will not take effect until ninety days after the adjournment of this session and the law will stand as it was passed last winter at the time the publications were made. Whether or not the Secretary of State will, because of the passage of the law, restrict the advertising to this new language which reflects the real intent of the original bill, I cannot say. I do feel, however, that in view of the fact that at the time the bill was passed there was pending in the Legislature a bill to take all county nominations out of the operation of the primary law, that the construction would not be strained very far if the Secretary of State should interpret the present law in accordance with the wording of this amendment. So much on that bill which has been introduced.

It may not be exactly in order for me to refer to another bill without its introduction, but the "gag rule", if I may call it such, that is reflected in the order passed by the House this morning and tabled just now by the Senator from Cumberland (Senator Spear) makes it necessary, if anything further is to be done about primary expense law, that it either be inserted in this bill or offered as an amendment to this bill, which the drafter of the order I am glad to say made room for. I have been handed, since I landed in Augusta, a draft of a second amendment to the same bill, which draft, without reading it in full, places a limit on the primary campaign expenditures of candidates for county office of \$500 in counties of a population of less than 50,000 inhabitants, and \$1000 for candidates in counties having a population of over 50,000 inhabitants. I am introducing this, or I shall introduce it, in the nature of an amendment to the bill already introduced, at the proper time, because personally I have no objection to that limitation. My own theory of the campaign expenditures which is found in the present

Chapter 263 of the Laws of 1931 was that it was designated to cover statewide and congressional nominations. I hoped when the bill was drafted and at the time it was passed that the Legislature might see fit to take county nominations out of the primaries, in which case such an amendment as this would not be necessary. I submit it by request with my own recommendation that it be passed but not, as I have indicated, with any very great feeling as to whether it is or is not advisable. Perhaps, Mr. President, I might limit the motion that I made originally that the rules be suspended and this bill be given its two several readings at this time so that I can offer this amendment before it is passed to be engrossed.

The PRESIDENT: The Senator from Washington, Senator Murchie, presents the bill and moves that the rules be suspended and it be given its two several readings at this time. Is this the pleasure of the Senate?

Thereupon, the bill received its two several readings.

Mr. MURCHIE: Mr. President, I now offer Senate Amendment A, which I have labeled "Senate Amendment A", too, because I don't know just how to describe this bill that has no document number, the bill now under consideration being a Senate amendment to the original bill.

The Secretary read Senate Amendment A:

"Senate Amendment A. Amend the preceding bill by adding thereto the following: Sec. 2. And said act is further amended by adding Section 22-A as follows: 'County primary expenditures. It shall be unlawful for any candidate for a county office or for any person, firm or association, or organization or corporation, on behalf of such candidate, or for the purpose of aiding the candidacy of any person for a county office, to make any expenditure or incur any liability, either for printing, publication, postage, clerk hire, newspaper advertising, renting of halls or other places, soliciting agents, hauling voters, or any other act or thing calculated to induce or procure any person or persons to vote for any candidate for county office in a primary election, that will bring the total expenditure on be-

half of that candidate over the sum of \$500 if for a county office in a county of less than 50,000 inhabitants and over the sum of \$1000 if for a county office in a county of more than 50,000 inhabitants.

Mr. FOSTER of Hancock: Mr. President, may I enquire of the Senator from Washington (Senator Murchie) what the limit has been previously?

The PRESIDENT: The Senator from Hancock, Senator Foster, desires to inquire of the Senator from Washington, Senator Murchie, as to the previous limit. And the Senator may answer if he so desires.

Mr. MURCHIE: Mr. President, I regret to admit my ignorance of the law which I have read as many times as the one in question and I am very glad to answer the question of the senator by giving my recollection, but I want it distinctly understood that I do not vouch for the accuracy of that recollection. My recollection is that the old Primary Expense Law limited candidates for state-wide office on those items which required reporting, to \$1500, congressional candidates to \$500 and county candidates to \$150, and representatives of the Legislature to \$50. I think there was a change on representatives of the Legislature where more than one was to be elected from the voting district. And the present law, Chapter 263 of the Laws of 1931, places them all in the same category with no limit whatsoever but all items of any nature to be presented.

Mr. GREENLEAF of Androscoggin: Mr. President, my recollection of that is that it is based on the vote in the county. I have forgotten just what the percentage is but it seems to me in Androscoggin County it figures up to about \$350 for senatorial county candidates.

Mr. MURCHIE: Mr. President, the Senator is looking at me so I suppose he wants me to speak about it. I have already admitted my ignorance. It may well be that it is \$350 in Androscoggin County. I don't know. My recollection is based on the fact that in my own county the limit was \$150 and so far as I know the old law made no difference between counties regardless of size.

Mr. ALDRICH of Sagadahoc:

Mr. President, on the rather cursory reading which we have of the bill I should like to inquire of the Senator from Washington, Senator Murchie, whether or not I understand it correctly in that the limit of expenditure for any candidacy for county office is \$500, no matter by whom made, whether that \$500 is expended by the candidate or by others for him with or without his knowledge. The thought occurs to me that if I understand that bill correctly it might very possibly be, in a county controversy, that a number of people will voluntarily contribute—or I won't say contribute, but spend money—in connection with some candidate and it might be that the total so expended, without the knowledge of the candidate or of others who were also expending their money, would exceed \$500. And the thought has occurred to me that if that should happen someone would be liable for that extra expenditure. Now, who would be liable and what would the penalty be and upon whom would it fall, if such should happen to be the case? If the Senator were running in Washington County and had a great many friends who were spending a considerable amount of money without his knowledge and without the knowledge of one another, it is entirely conceivable that such expenditures might greatly exceed a thousand dollars and be entirely illegal, and somebody I suppose would go to jail, and I think that is something we ought to understand before passing it. I have no objection to the spirit of the amendment although it seems to me that where we have once fixed this matter of expenditure it is like going back again and trying to determine limitations which our former judgment had indicated were unwise.

Mr. WEATHERBEE of Penobscot: Mr. President, as I recall the law relative to the amount of expenditures that may be made by county candidates in a primary election, it is dependent on the gubernatorial vote. In Penobscot one may expend \$300. The minimum may be \$150. I think it is. Now, I dislike very much to vote upon legislation that I do not understand. We are called in special session here with very little opportunity to make proper investi-

gation. Let us not accept everything without understanding it. I move that this matter lay upon the table in order that we may investigate and see how far-reaching it is. It may be under the provisions of that bill that, as the Senator from Sagadahoc (Senator Aldrich) has stated, somebody will have to go to jail. And maybe somebody cannot go to the Legislature because that other fellow has gone to jail. Let us not accept this without having considered it and without understanding it and knowing that it meets with our judgment. I ask that it lay on the table.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that Senate Amendment A be laid upon the table. Is this the pleasure of the Senate?

Thereupon Senate Amendment A to bill An Act to Amend the Law Governing Primary Elections, was laid upon the table.

The PRESIDENT: The Senate may be at ease.

Mr. WEATHERBEE: Mr. President, I will now ask that the matter just recently tabled by me be taken from the table.

Senate Amendment A was thereupon taken from the table.

Mr. WEATHERBEE: Now, Mr. President, I have no objection whatsoever to the original bill introduced by the Senator from Washington, Senator Murchie, which takes care of expenditures as to the advertising in primary campaigns. I think that is a meritorious bill, although the amount involved is very small and would not make a great difference in the State of Maine if it were not inaccurate. But since it has been introduced and we are here now in session I believe in its passage in order to save \$1500 to \$2,000. But this amendment which is offered and attempts to limit and regulate expenditures, I am opposed to because we have no time to properly consider the matter. Therefore, Mr. President, I move that Senate Amendment A be indefinitely postponed.

Thereupon Senate Amendment A to bill An Act to Amend the Law Governing Primary Elections, was indefinitely postponed.

Mr. MURCHIE: Mr. President, is it necessary to suspend the rules

in order to pass the bill to be engrossed at this time?

The PRESIDENT: The Chair will state that the rules have already been suspended.

Mr. MURCHIE: Then, Mr. President, I move that the bill be suspended to be engrossed.

Thereupon, bill "An Act to Amend the Law Governing Primary Elections" was passed to be engrossed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Joint Order that all bills and resolves introduced at this session, with four exceptions, be referred to the Eighty-sixth Legislature; tabled by that Senator earlier in today's session pending consideration.

Mr. SPEAR of Cumberland: Mr. President, the Republican party are in power. They have certain obligations and responsibilities. There is a desire on the part of many of our tax payers to have some relief in the way of taxation. I believe that money can and will be saved between now and the first of July of this year and that we will be in "black ink". I believe that some relief will be granted to certain of our activities such as agriculture, in the way of a reduction of the tax of live stock. The real estate tax cannot be reduced, as far as I can see, but there is a clamor on the part of many of our tax payers that there be some reduction in salaries of state officials. I am not saying whether I am in favor of such a thing at this time or not, because the situation is complicated. I do not know that this Legislature, or this special session, can do very much about it. On the one hand there are many salaries that are controlled by the Governor and Council. There are other salaries that are fixed by statute and those statutes would have to be amended if any changes were made. But it does seem to me that this is a matter which should not be passed over lightly and if this order were passed no consideration could be given to anything that this legislative session might want to do, and I would like to move, Mr. President and members of the Senate, that this order be referred to the Committee on Appropriations and Financial Affairs for consideration. If a favorable vote was

taken there would be no delay because the committee could meet a short time before we convene this afternoon. I move that this order be referred to the Committee on Appropriations and Financial Affairs.

Mr. MURCHIE of Washington: Mr. President, do I understand that this is the order received from the House limiting legislation at this special session to three definite bills and such general legislation as may be necessary?

The PRESIDENT: The Chair will state that the Senator is correct, and if the Senator desires the Secretary will read the order.

The Secretary read the order.

Mr. WEATHERBEE of Penobscot: Mr. President, for the life of me I cannot see any reason why an order like that should be referred to the Appropriations Committee. I consider it highly improper procedure. If the Appropriations Committee desires to get together and formulate any bill which any of its members think that this Legislature ought to consider, it is the duty of that committee to do so and this Legislature will be here to give proper consideration to it. But it is a strange procedure for an order like this to be referred to any committee and I believe the safety of the State may well rest with the intelligence of this body a little while longer without that. I move that this order lay upon the table.

Mr. MURCHIE: Mr. President, may I ask the Senator from Penobscot (Senator Weatherbee) a question before the vote is taken upon his motion to table.

The PRESIDENT: The Senator from Washington, Senator Murchie, desires to ask a question of the Senator from Penobscot, Senator Weatherbee, which that Senator may answer if he desires.

Mr. WEATHERBEE: Mr. President, the Senator from Penobscot will be glad to answer the question.

Mr. MURCHIE: Mr. President, the Senator from Penobscot (Senator Weatherbee) has voiced exactly the objections which I had to the order which are the occasion from my inquiry and I had contemplated saying to the Chairman of the Appropriations Committee that I was perfectly willing that his order might lay upon the table until such time as his committee might de-

termine whether or not they had any bill which they desired to introduce. But, as the Senator from Penobscot has well said, the Legislature, rather than any committee of the Legislature, no matter how great the wisdom of that committee, should be the judge of how much legislation should be here enacted or offered for enactment. My query of the Senator from Penobscot (Senator Weatherbee) is whether he would be willing, as I am, to have the Senator from Cumberland (Senator Spear) table the order in his own name so that he might control it?

Mr. WEATHERBEE: Mr. President, if the Senator desires to do that I am not adverse to his tabling it.

Mr. SPEAR: Mr. President, may I ask the Senator from Penobscot (Senator Weatherbee) a question?

The PRESIDENT: The Senator from Cumberland, Senator Spear, wishes to ask a question of the Senator from Penobscot, Senator Weatherbee, which that Senator may answer if he desires.

Mr. WEATHERBEE: Mr. President, I am always glad to answer any question that the Senator from Cumberland (Senator Spear) may ask.

The PRESIDENT: The Senator may inquire.

Mr. SPEAR: Mr. President, will the Senator from Penobscot (Senator Weatherbee) be willing that this order be referred to any committee?

Mr. WEATHERBEE: No, Mr. President, of course not.

Mr. SPEAR: Then I have no objection, Mr. President, to the Senator tabling it in his own name.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Weatherbee, that this order be laid upon the table. Is this the pleasure of the Senate?

Thereupon the order was laid upon the table.

On motion by Mr. Storey of Aroostook.

Recessed until two o'clock this afternoon.

AFTER RECESS

The Senate was reassembled at two o'clock and the Senate was called to order by the President.

The PRESIDENT: The Secretary advises that there are no

papers to be considered at the present time, and the Senate will therefore recess to assemble at the sound of the gavel.

AFTER RECESS

The Senate was called to order by the President.

From the House the following order:

Ordered, that the Senate be and hereby is respectfully requested to return to the House without passage in concurrence, the Joint Order relating to the reception of bills and resolves at this present session of the Legislature which order was passed in the House this morning.

In the House, read and passed.

In the Senate, on motion by Mr. Weatherbee of Penobscot, tabled pending consideration.

From the House:

The Committee on Ways and Bridges and Taxation jointly to which was referred Bill "An Act Relating to the Gasoline Tax" reported that the same ought to pass.

In the House, report read and accepted.

In the Senate, the report was read and accepted and under suspension of the rules the bill received its two several readings.

Mr. MURCHIE of Washington: Mr. President, before the bill is passed to be engrossed I would like to prepare and offer an amendment and if I may have about twenty-eight more seconds I will have the amendment ready.

The PRESIDENT: The Senate will be at ease.

Mr. MURCHIE: Now, Mr. President, I wish to offer Senate Amendment A to "An Act relating to the Gasoline Tax" and move its adoption.

"Senate Amendment A to bill An Act relating to the Gasoline Tax. Amend An Act relating to the Gasoline Tax by striking out of the preamble the words 'remove uncertainty in the administration of the law and'."

Mr. President, in explanation of the amendment I wish to say this. I understand that a decision of the Supreme Court in the case of the State of Maine vs. the Standard Oil Company of New York was rendered for the purpose of making certain the proper administration of the gasoline tax law. I do not

believe that the Maine Legislature ought to go on record as declaring that a decision of the Supreme Court of the State of Maine intended to clarify the administration of the law has created any uncertainty. This amendment will not affect the bill but it will eliminate what might be considered a reflection on the Supreme Court.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A, presented by the Senator from Washington, Senator Murchie.

Thereupon Senate Amendment A was adopted and on further motion by the same Senator the bill was passed to be engrossed as amended by Senate Amendment A.

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

Whereas the members attending this special session of the Legislature realize that it is imperative that some action be taken towards reducing the cost of government and bringing salaries and wages more closely in line with existing economic conditions and

Whereas no such steps should be taken until after due consideration and with full knowledge of the facts involved which are not available and cannot be obtained within a reasonable time, be it therefore

ORDERED, the House concurring, that a Recess Committee shall be and hereby is created to be composed of five members, two on the part of the Senate, to be appointed by the President, and three on the part of the House, to be appointed by the Speaker, to study and consider the problem of possible salary and wage reductions for state officials and employees and to make such recommendations as they may deem proper and expedient to the eighty-sixth legislature.

Thereupon on motion by Mr. Murchie of Washington the order was tabled pending consideration.

The PRESIDENT: As there is nothing further to come before the Senate at this time, the Senate will recess to come together at the sound of the gavel.

AFTER RECESS

The Senate was called to order by the President.

From the House:

Bill "An Act to Amend the Law Governing Primary Elections."

In Senate, read twice under suspension of the rules, and passed to be engrossed without reference to a Committee.

In the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Murchie of Washington, that body voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, the order limiting the introduction of legislation, tabled by that Senator earlier in today's session pending reference; and that Senator yielded to the Senator from Cumberland, Senator Spear.

Mr. SPEAR of Cumberland: Mr. President, I ask leave of the Senate to withdraw my motion whereby this order would be referred to the Committee on Appropriations and Financial Affairs.

Permission was granted the Senator to withdraw his motion; and that Senator yielded to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, my objection to this order is that it virtually says to the citizens of Maine that this Legislature in session closes its ears and closes its doors to the citizens of the State of Maine and says in substance that legislation shall not be received no matter how urgent it may be. I had rather take the position that this Legislature now assembled is ready to consider any question of importance in the interests of the citizens of the State of Maine and I therefore move, Mr. President, that we do not accept this order but reject it in non-concurrence and send it back to the House.

Thereupon, the order was indefinitely postponed.

The PRESIDENT: The Chair will state that there is still one further matter on the table.

Mr. MURCHIE of Washington: Mr. President, I wish to offer Senate Amendment "A" to the Joint Order relative to Salary and Wage Reduction.

"Senate Amendment 'A' to Joint Order relative to Salary and Wage Reduction. Amend said joint order by striking out everything after the word 'concurring' and substituting in place thereof, the following: 'That a special committee shall be and hereby is created to be composed of two members on the part of the Senate to be appointed by the President of the Senate, with such as the House may join, to study and consider prior to the twenty-fourth day of May, 1932, the system of salary and wage regulation now provided by law, and report to this legislature on the said twenty-fourth of May, 1932, such changes in the system of salary and wage regulation as may seem advisable, it being the sense of this legislature that reductions in salaries and wages of state officials and employees is desirable and should be put into effect at the earliest possible date consistent with efficient and orderly procedure.'"

Mr. MURCHIE: Mr. President, I move the adoption of Senate Amendment "A" and wish to say a few words in brief explanation of it. I offer it because it seems to me the order contained in the original document is entirely and absolutely inconsistent with the preamble in that order. The preamble states that the members attending this special session realize it is imperative that some action be taken, for a double purpose; first, toward reducing the cost of government, and second, bringing salaries and wages more closely in line with present social and economic conditions. I am not prepared to say at this time whether that preamble is a correct recital of the fact. I do not know whether there are any officials or employees of the State whose salaries should be reduced. Assuming however, that it is a fact, that it is imperative that such action should be taken, what is the effect of the order contained in the original document? That order provides that we shall appoint a recess committee to study and consider the problems of a possible salary and wage reduction, and report to the session of legislature

which convenes the first Wednesday in January, 1933. If that procedure is followed there will have been elected and inducted into office prior to or coincident with the legislative session, a new crop of officials. All those officials will have taken office with salaries which can not be reduced in the term of office for which they have been elected or appointed. In other words, this special session of the legislature will go on record as providing a remedy for an imperative situation which can not take effect until two years and nine months after the adjournment of the session. Incidentally, this legislature will have taken action of providing money for an absolutely useless investigation. If the matter of action is deferred until the legislature of 1933 meets, that legislature and its committees will make its own investigation on each individual bill on salary reduction to determine whether that bill shall pass or that salary reduction put into effect, and the money it will cost for this investigation and study will be absolutely thrown away.

Now I am not anxious to come back to Augusta any more than any of you members of this legislature, in May, 1932. I do not know whether Maine officials and employees are overpaid or not. I do not believe it is the contention of the members of the legislature that the salary which we receive during a regular session which covers a three months period, represents any extravagance or over-payment on the part of the State, and if we come back and serve at the rate of two dollars a day, there won't be any one of us who won't be substantially out of pocket, and we accept some burdens when we accept office as a member of the legislature of the State of Maine; and if such action is imperative, happening to be a member of the legislature when it becomes imperative, I am reluctantly willing to accept my share of the burden. I hope the amendment will prevail. If it does not, it seems to me will be very liable to secure some very substantial criticism, first, because we are wasting money at no purpose, and second, because we are deferring imperative action two years and nine months.

One thing I neglected to say: This order refers to salary and

wage reduction. I do not know in terms of percentage what the situation is, but for a guess, more than ninety percent of the payments by the State of Maine for salaries and wages are made entirely under the jurisdiction of the Governor and Council. The legislature directly fixes the salaries of only a very small number of officials. Dating back to 1917 there has been an increasing tendency to vest in the Governor and Council the authority, not only to fix the salary of subordinates, but authority to fix the salary of department heads. All of those things can be taken care of without any action by the legislature, and yet under the terms of this order, this committee is to report to the legislature what they deem proper. If that means anything, it means—and I have inserted it in the amendment I have offered—that they shall report to this legislature whether it is still advisable to leave that authority in the hands of the Governor and Council or whether the state policy should be changed and salaries and wages, down to a very small minimum scale, be fixed absolutely by legislative action.

Mr. SPEAR of Cumberland: Mr. President, if the legislature desires to stay here, I am as willing as anyone to stay as long as is necessary. I wonder if we all realize that there are 16 county sheriffs, 16 county attorneys, and there are judges of the municipal courts in the various counties. In the past, the delegations have usually got together and recommended their conclusions to the legislature, and the legislature has been governed to quite an extent by their opinions in fixing these salaries. I simply call your attention to this because I think it is more far reaching than we realize at first thought. I am willing if the rest are, to subscribe to the amendment, but if the amendment should fail, I think we should do something.

Mr. ALDRICH of Sagadahoc: Mr. President, might I ask if the amendment can be read again if it is not too long? I apologize for being out of the room when it was read.

The Secretary read Senate Amendment "A".

Mr. ALDRICH: Mr. President, may I inquire of the Senator from Washington, Senator Murchie,

whether that means there would be another special session of the legislature on the 24th day of May, to receive this report?

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, wishes to ask a question through the Chair, of the Senator from Washington, Senator Murchie, and that Senator may answer if he desires.

Mr. MURCHIE: Mr. President, I would suppose that the Senator from Sagadahoc, Senator Aldrich, being the able lawyer that he is, could answer a great deal better than I. My interpretation would be this: The passage of this order in the amended form would require us to pass another joint order taking a recess from the close of this session (I hope today) until sometime on the 24th day of May, 1932. I believe it is an undoubted fact that we have no authority to convene a legislature in special session. That authority rests entirely with the Governor, so that if we should pass this order, and make certain we would act upon the report when it came in, or at any rate, be here, we would have to recess until that time.

Mr. ALDRICH: Mr. President, I suggest my language was somewhat inept in forming the question.

Mr. BISSETT of Cumberland: Mr. President, I would like to ask the Senator from Washington, Senator Murchie, if it would be possible for this committee to get all the bills and acts and resolutions relating to all the state officials, state employees, the state institutions, and all the different departments of this State, and if called back here on May 24th, would they have sufficient time in which to look up everything required by that amendment?

The PRESIDENT: The Senator from Cumberland, Senator Bissett, wishes to ask a question through the Chair of the Senator from Washington, Senator Murchie, and that Senator may answer if he desires.

Mr. MURCHIE: Mr. President, I have been on my feet answering questions all day and there is no one I would rather answer than the Senator from Cumberland, Senator Bissett. I have no doubt that any committee of this legislature composed of two members of this Sen-

ate and such members as the House may join, could secure the essential information and make up a salary and wage program in a great deal less time than that intervening between now and the 24th of May.

Mr. FOSTER of Hancock: Mr. President, I believe most of this controversy started when the Highway Commission fixed the salaries of highway employees at \$2.83 a day, a reduction of 12c a day from last year's wage. I believe if there was some way to prevail upon the Highway Commission to reinstate their men, which is a matter of 12c a day—a small amount of money—this whole controversy could be cleared up, and if it should be necessary to appoint a recess committee, or refer this to the next legislature, I think it would clear the atmosphere. Personally, I believe \$3.00 a day is about as little as anyone can work for, and 12c a day does not mean much, but I think it would cover the whole situation. I have taken this up with one or two people who should know, and I think there is a way to arrange with the Highway Commission to perhaps withdraw the order and have the wages conform with the wages in other towns and cities.

Mr. LITTLEFIELD of York: Mr. President, I would like to ask this question—if the wages are to be changed for the men, should they not be changed for the trucks the same?

The PRESIDENT: The Senator from York, Senator Littlefield, asks a question through the Chair of the Senator from Hancock, Senator Foster, and that Senator may answer if he wishes.

Mr. FOSTER: Mr. President, in answering that question I would say that I think so.

Mr. LELAND of Piscataquis: Mr. President, I think in discussing the possibility of restoring reductions already made, we are departing from the program. In saving expense and practicing economy, I wonder if we shall escape the criticism we seem to believe would be due us if we took some action on the reduction of the cost of State government.

Mr. FOSTER: Mr. President, it seems to me that everything is based on our fear of what criticism we may have and what our constituents may think. If they make capital of it, all right. I believe the

laboring man should have a living wage, and if we don't get the votes, all right.

Mr. ALDRICH of Sagadahoc: Mr. President, it would seem to me that the passage of any such order as this almost amounts or is tantamount to a reflection upon the Governor and Council of this State and the departments of this State which have determined and which are determining the wages and salaries that are paid. As the Senator from Washington, Senator Murchie, has pointed out, I suppose ninety—yes, ninety-five percent of the salaries in the state are paid state employees and state officials pursuant to the recommendations of the department heads and approved by the Governor and Council. We have not heard, so far as I have heard, any evidence that there is any extravagance in connection with the wages and salaries paid at the present time. I have not heard anyone present voice the opinion that any such thing exists, and without some reason for believing at the present time in the State of Maine wages and salaries are beyond a point which is reasonable, I can see no reason at all why this legislature should concern itself about what to me is a "bogey". As the Senator stated a moment ago, there is a great deal of discussion about something being done to reduce the expense of government. We did something last year, and I trust it will prove successful. It has the approval of the people of the State, and apparently it was not only designed for that end, but we hope it will prove to be efficacious. Until we have some reason for thinking that salaries in Maine for workmen or employees are more than they ought to be, why should we concern ourselves about it at all when it is none of our business? We have delegated that power to the Governor and Council and the departments involved. I think there is a good chance if we go on with this matter—with a committee appointed here I do not know what we will get into. One thing is certain, if you appoint a committee such as that suggested, on the 24th of May when you come back, you will have to do something. We have had no one present anything of a concrete character which would indicate that there is anything

wrong in connection with wages and salaries, but if there is, I submit after the discussion we have had here, in all probability, the Governor and Council will take notice of it, and if reductions are necessary I assume we can rely upon them to correct them. We have relied upon them in the past, and we do at the present time, and why don't we continue to do so? This idea of making this political gesture doesn't appeal to me at all. If there is something we can do, let's do it, if not, let's keep out of something that doesn't concern us at all.

Mr. WEATHERBEE of Penobscot: Mr. President, I heartily endorse the sentiments expressed by the Senator from Sagadahoc, Senator Aldrich. I believe the amendment should be withdrawn and the order follow in its wake.

Mr. MURCHIE: Mr. President, if answering questions doesn't count for times on the floor, I still hope I may say a word. I am in sympathy to a very considerable extent with the remarks made by the Senator from Sagadahoc, Senator Aldrich, and concurred in by the Senator from Penobscot, Senator Weatherbee. In explanation of Senate Amendment "A". Let me say I didn't notice either the Senator from Sagadahoc or the Senator from Penobscot taking the floor to object to the passage of the order. My only point is this, if there is occasion for the passage of the order, if this legislature should say that it is imperative that we do something about salary and wage reduction, let's not make the passage of the order a political gesture, as the Senator from Sagadahoc, Senator Aldrich, suggests, but let's make it effective to take care of the imperative situation that we allege, if we pass the order, exists.

Mr. ALDRICH: Mr. President, if I may say one further word, my recollection is that this main order to which the amendment has been offered has been laying supinely on the table all day and I do not remember that it has been a matter of particular discussion. Now, in order that there may be no doubt as to my position I wish to say that in my judgment it would be a mistake to pass that order, or this amendment, and I would defeat both of them. And I will say further, now that I am on the floor, that I would move to adopt, if we have not already done it,—possibly

in my absence the order has gone back to the House at their request—I would adopt the order which was passed this morning and limit the legislation which we are to pass to that for which we came here. I would not allow any of these extraneous matters to be put in.

The PRESIDENT: The Chair will state that the order referred to has been indefinitely postponed.

Mr. ALDRICH: I did not know that, Mr. President.

Mr. SPEAR: Mr. President, I do not want anyone to feel that my introduction of this order was any reflection against the present Governor and Council because I had no such intention. I think the Governor and Council have done a good job. But some of these salaries are fixed by statutes, and some of them are fixed by the Governor and Council and one thing cannot be done very well without the other, and I have heard a great many tax payers in various lines of gainful occupation say that they thought the state officials and state employees were getting a great deal more than they were, and it is on account of those things that I have heard that I introduced this order.

Mr. WEATHERBEE: Mr. President, I wish to state that the salary of any state official that has been created by law cannot be changed by any order. The only way you can change that is by the introduction of a bill that shall receive passage in both branches and be approved by the Governor, or in case of a veto by a Governor be passed over his veto by both branches. An order is insufficient to accomplish what the gentleman had in mind.

Mr. ALDRICH: Mr. President, I move that this amendment be indefinitely postponed, with the understanding that if that is done I will make a similar motion as to the order to which this amendment applies.

Thereupon, Senate Amendment A to Joint Order Relative to Salary and Wage Reductions was indefinitely postponed.

Mr. ALDRICH: Mr. President, I move that the order, if that is the business before the Senate, be indefinitely postponed.

Mr. SPEAR: Mr. President, I ask for a division.

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, moves that the order be indefinitely postponed and a division has been requested.

Mr. GREENLEAF: Mr. President, may we have the order read once more?

The Secretary read the order.

Thereupon, a division of the Senate was had, twenty-one having voted in the affirmative and five in the negative, the order was indefinitely postponed.

From the House:

Resolution addressed to Congress relating to tax on importation.

In the House, read and adopted.

In the Senate:

Mr. WEATHERBEE of Penobscot: Mr. President, I am in hearty accord with the sentiment expressed in that paper but it is very much out of form for a resolution to go to the Congress of the United States. We recommend something to them in the strangest manner that I have ever heard of. This Legislature of course is in accord with the sentiments therein expressed but I think that it should be put in better form. I move that the resolution be laid upon the table for the present.

The resolution was laid upon the table.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table, Order that the Senate be and hereby is respectively requested to return to the House without passage in concurrence, the Joint Order relating to the reception of bills and resolves at this present session of the Legislature, which order was passed in the House this morning.

Mr. MURCHIE of Washington: Now, Mr. President, that order which was passed by the House asked for the return of a former order which we have indefinitely postponed in non-concurrence and it is now in the possession of the House. Therefore, I move the indefinite postponement of this order in non-concurrence.

The order was indefinitely postponed.

The PRESIDENT: The Senate will now recess until the sound of the gavel.

AFTER RECESS

The Senate was called to order by the President.

Mr. Weatherbee of Penobscot presented "Memorial to the Congress of the United States, Urging them

to Assist in Excluding Certain Products from This Country.”

Which was read and passed.
Sent down for concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, Resolution addressed to Congress relating to tax on importation, tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator the resolution was indefinitely postponed.

Additional House papers disposed of in concurrence.

Mr. Spear of Cumberland presented, Resolve on the Pay Roll of the Senate.

On motion by the same Senator, the rules were suspended, the Resolve given its two several readings without reference to a Committee, and passed to be engrossed.

Sent down for concurrence.

From the House:

Bill “An Act to Appropriate Money for Necessary Governmental Expenditures”

In the House, read three times under suspension of the rules and passed to be engrossed.

In the Senate, the bill was given its two several readings under suspension of the rules and on motion by Mr. Spear of Cumberland tabled pending passage to be engrossed.

From the House:

Resolve on the Pay Roll of the House of Representatives.

In the House, read twice under suspension of the rules and passed to be engrossed.

In the Senate, the resolve was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act to appropriate money for necessary governmental expenditures, recently tabled by that Senator, and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

(EMERGENCY MEASURE)

The Committee on Engrossed bills

reported as truly and strictly engrossed the following bill:

“An Act to Amend the Law Governing Primary Elections.”

Which bill being an emergency measure, and having received the affirmative vote of 21 members of the Senate was passed to be enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

(EMERGENCY MEASURE)

The Committee on Engrossed bills reported as truly and strictly engrossed the following bill:

“An Act relating to the Gasoline Tax.”

Which bill being an emergency measure, and having received the affirmative vote of 21 members of the Senate was passed to be enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

PASSED TO BE ENACTED

An Act to appropriate money for necessary governmental expenditures.

FINALLY PASSED

Resolve on the Pay Roll of the Senate.

Resolve on the Pay Roll of the House of Representatives.

From the House, the following order:

ORDERED, the Senate concurring that this Legislature instruct the Highway Department to restore the wages of the State Highway employees from the cut of \$2.88 per day to \$3.00 until the 86th Legislature can act on same.

In the House, read and passed.

In the Senate, on motion by Mr. Crosby of Penobscot, indefinitely postponed in non-concurrence.

Sent down for concurrence.

A message was received from the House of Representatives, by Representative Jack of Lisbon, informing the Senate that the House had transacted all business before it and was ready to adjourn without day.

On motion by Senator Jackson of Cumberland, it was

ORDERED, that a message be sent to the House of Representatives, informing that body that the Senate has transacted all the busi-

ness before it and is ready to adjourn without day.

The President appointed Mr. Jackson of Cumberland to convey the message.

Subsequently the same Senator reported that he had delivered the message with which he was charged.

On motion by Mr. Holman of Franklin, 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 his Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communications he may be pleased to make.

Sent down for concurrence.

The Chair appointed on the part of the Senate: Senators Holman of Franklin, Foster of Hancock, Storey of Aroostook.

Subsequently the foregoing order came back from the House read and passed in concurrence.

The Committee retired, and subsequently Mr. Holman of Franklin for the Committee reported that the Committee had delivered the message with which it was charged,

and that the Governor was pleased to state that he had no communication to make, except such communication as he would make through the Secretary of State.

Then appeared the Secretary of State, transmitting the following communication from the Governor:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 1, 1932.
To the President of the Senate and Speaker of the House:

I herewith transmit a list of the Acts and Resolves passed by the present special session of the Legislature. I have approved three acts and two resolves.

I have no further communication to make.

Respectfully submitted,

WM. TUDOR GARDINER,

Governor.

Which communication was read and ordered sent to the House.

The President of the Senate then, on motion by Mr. Boulter of York, at seven o'clock and forty-seven minutes in the evening, declared the Senate of the Eighty-fifth Legislature adjourned without day.