

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

Special Session, December 16, 1936

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, December 17, 1936.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Mr. HILL of South Portland: Mr. Speaker, I ask unanimous consent to address the House very briefly.

Permission being granted, Mr. Hill proceeded as follows:

Mr. HILL: Mr. Speaker, under the existing statute of the State with reference to the meeting of the electors for President and Vice President of the United States, the time set for such meeting was the first Wednesday of January. Owing to the recent amendment to the Constitution of the United States, which provides that the President of the United States shall take office in January instead of in March, it was necessary that the electors meet earlier than was provided by our Statute; and so His Excellency, the Governor, called the electors to meet in December. The electors did meet and cast their votes according to the registered will of the people of the State for Governor Alfred M. Landon of Kansas and Colonel Frank Knox of Illinois. The Governor believes, no doubt correctly, that there would be no question raised as to the legality of that meeting, but it is now suggested that a measure be passed to eliminate any possible question. I feel confident that there will be no objection to the introduction of such a measure and so I present An Act to Legalize Meetings of the Presidential Electors of the State of Maine for the year 1936 and ask unanimous consent for its introduction.

Unanimous consent being given, on motion by Mr. Hill the rules were suspended and H. P. 1885, an act to legalize meetings of the Presidential Electors of the State of Maine for the year 1936 was given its three several readings, under suspension of the rules and passed to be engrossed without reference to a committee.

Mr. Eveleth of Portland presented the following order and moved its passage:

WHEREAS our Pilgrim forefathers forsook their homes to escape the tyranny and dictatorial powers of a centralized and despotic form of government, and

WHEREAS they founded upon the shores of this free and untrammelled continent a new nation conceived in the fundamental precepts that all men are created equal and entitled to certain inalienable rights, and

WHEREAS their sacrifices gave rise to the upbuilding of a great nation based on the principles of liberty and dedicated to the proposition of self-government and states rights, and

WHEREAS the sons of these great men gave their lives and fortunes during the trying times of 1776, to drive from these shores the minions and tax collectors of an autocratic and dictatorial government, and

WHEREAS their grandsons in 1812 offered their lives to maintain the hard-won principles of liberty and freedom from excessive taxation, and

WHEREAS for a century this country grew and prospered and freed lesser nations from the tyrannous heel of foreign and alien forms of government, and

WHEREAS in 1917 we returned to the continent of our forefathers and there poured out the life-blood of our youth on the fields of Flanders that Liberty, Freedom and Democracy might not perish from the earth, and

WHEREAS as a part of this great sacrifice in the cause of Democracy we lived through a period, prolonged and hectic, of unhealthy prosperity, culminating in an inevitable reaction in 1929, and

WHEREAS we of Maine with initiative, fortitude and stamina derived from centuries of strife in the cause of freedom from the oppression and debauchery of monarchs, experimentators, brain-trusters and misguided citizens without number, and

WHEREAS we so successfully withstood adversity, natural and contrived and fabricated, and

WHEREAS 46 of the 48 former sovereign states of this allegedly inseparable Union have indicated their wish to depart from the principles of self-government laid down by Washington, Jefferson, Jackson and Lincoln, and

WHEREAS, in our mature judgment these 46 vassal states have traded their birthright of self-government, have committed a veritable Act of Secession,

Be it hereby ORDERED, the Senate concurring,

THAT the Governor of this sovereign state of Maine be directed to extend forthwith an invitation to the sole remaining sovereign state of Vermont to join with Maine in the perpetuation of the Declaration of Independence, the preservation of our Constitution, and a return to the United States of our forefathers.

The order received passage and was sent up for concurrence.

On motion by Mr. Hill of South Portland,

Recessed until four o'clock this afternoon.

Afternoon Session

4 P. M.

The Speaker in the Chair.

Report of Committee

Majority report of the Committees on Labor and Judiciary jointly reporting ought to pass on bill an act relating to unemployment compensation (H. P. No. 1883) (L. D. No. 938)

Report was signed by the following members:

Messrs. Burkett of Cumberland.
Burns of Aroostook.
Bissett of Cumberland.
—of the Senate.
Jacobson of Portland.
Hill of So. Portland.
Young of York.
Bushey of Waterville.
Chase of Limington.
Weatherbee of Lincoln.
Harriman of Gardiner.
Chase of Baring.
Phair of Caswell Pl.
Churchill of Brewer.
Gray of Presque Isle.
Vaughan of So. Berwick.
Philbrick of Cape Elizabeth.

Minority report of same Committees reporting ought not to pass on same bill.

Report was signed by the following member:

Messrs. Fernald of Waldo.
—of the Senate.
Willey of Falmouth.
—of the House.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL of South Portland: Mr. Speaker, I move the acceptance of the majority report of the committee, ought to pass. It is not my intention or desire to urge or undertake in any manner to influence, if I could, any member of the House to vote for this bill. I expect to vote for it, myself. I do not urge its passage. I hope the House will bear with me for a very few moments while I explain my vote and attempt to make as clear as I can my position with respect to this measure.

I am not so deeply concerned about the provisions of the bill relating to unemployment. I have no serious objections on that score. I have every sympathy for those of our people who, in times of stress, are unemployed. I am willing to support any legislation which is reasonably calculated to ameliorate their condition; but it is the policy of coercion that lies behind this bill which I humbly protest. No policy ever adopted at Washington has struck more deeply at the very heart of our dual system of government than does that policy of coercion that lies behind this measure. Our American constitution aimed to preserve inviolate the sovereignty of the several states. Each state was made as supreme within its own field as is the Federal government with respect to those national matters committed to its care, and why? For what purpose? Simply to keep government responsive to popular will; simply to keep government near to the people; simply to preserve for the people the power to control their own local affairs without interference or domination by a far-removed power. But now the Federal administration, without amendment to that Constitution, adopts a policy well calculated to annihilate the powers of the State by subterfuge and by indirection. Let us look at the particular situation, see what is happening, and consider whither it may lead.

Under the Social Security Act the Federal government comes here to the State of Maine and levies a tax on Maine employers, a tax estimated to amount in the first year to somewhere in the neighborhood of two million dollars, and then increasing until ultimately it reaches between five and six million dollars. The Federal government lays that tax upon our employers and then says to the State of Maine that we shall

not spend one cent of the proceeds of that tax for unemployment compensation within the borders of the State of Maine unless the people of the State, with respect to this subject, in substance surrender their sovereignty, unless in substance they give up their right to make their own laws in their own way by their own representatives in their own Legislature.

This Legislative Document No. 938 is in no sense the product of Maine minds or Maine wills. It is substantially the work of those in authority at Washington. Let us look a little further into the picture! A State tax is levied, if we pass this bill, on payrolls. That tax is collected by the State to be used by the State for unemployment compensation, but you will notice that the law requires that that money be sent forthwith to Washington. For what possible purpose should the money be sent to Washington if it is to be expended here under our own administration? I know of only two reasons. The first is, to enable the National government to borrow from that money to be used for other purposes. That is expressly provided by the law—the government borrows from the funds and issues government bonds. The second reason, as I see it, is to place the National administration in a situation where, by reason of having possession of this money, it can gain further control over our State affairs. Bear in mind that under the Social Security Act our Unemployment Compensation Law has to be approved in Washington, not only this year but each succeeding year. Washington has our money and in some future year, unless Washington approves our law as it then exists, it has the power to refuse to pay back to Maine that money unless Maine enacts such further legislation as Washington may require and meets such further conditions as it may impose. This thing is literally a hold-up; the State is sandbagged. It must be very plain to us all that if this same policy is further applied, it will necessarily result in the complete breakdown of all State government. There cannot be the slightest doubt about that nor any possible escape from that conclusion. Could not the Federal government tomorrow levy a tax applicable to the inhabitants of Maine, to be used for educational

purposes, and then say that it will not spend one cent of this money upon the schools of Maine unless the Maine Legislature passes an act to be approved by the Federal government, an act conferring control upon the Federal government over our schools, or to regulate the hours of schooling or the appointment of teachers,—even perhaps the subjects which will be taught? Could not this very same policy be applied to enable the Federal government to gain complete control over all agriculture and over all industry and over every other concern of Maine?

Mr. Speaker, I have deliberated long and earnestly over the issue presented by this bill. I wish there might be some way by which we here in Maine might have the power to bring this policy of coercion to an end. If, by refusing to pass this bill, we could accomplish that result, I should not for a moment hesitate to reject it and incur the penalty that it imposes upon us rather than barter away any of the essential elements of what has been the greatest and finest government on earth. Every time I contemplate this element of coercion, every time I consider the end to which this policy, if further applied, will inevitably lead, I rebel and the very blood boils in my veins; but Mr. Speaker, in the cooler moments of reflection, I realize that we must consider the situation as it actually exists, not as we might wish it to exist. The tax is upon us by act of Congress; we cannot alter it; we cannot avoid it. If we reject the bill our people must continue to bear this heavy burden in each succeeding year. This situation is imposed upon us by act of the Federal administration at Washington. That administration alone is responsible. That administration, or the courts, alone can correct it. More than forty states are completely in the control of those in sympathy with the policies of this administration. Forty-six states have endorsed those policies. I see nothing that we could accomplish by rejecting the measure. But when measure after measure has been forced upon the States by this same method, when this process of disintegration of the states shall have become complete, when free and independent State government shall have departed from the land, when

the sands of time have run their course and the impartial hand of history shall have completed its work upon the written page, then Mr. Speaker, the full responsibility will be fairly and accurately assessed, and, sir, it is my humble conviction that that responsibility will not be laid upon the rugged people of the State of Maine or upon the sons and daughters of Vermont. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Willey.

Mr. WILLEY of Falmouth: Mr. Speaker, may God save the State of Maine!

(Applause)

The SPEAKER: Are you ready for the question. The question is on the acceptance of the majority report.

Mr. WALLACE of Sanford: Mr. Speaker, I would like to have a yea and nay vote on this question.

The SPEAKER: The gentleman from Sanford, Mr. Wallace, has called for a yea and nay vote.

Before the yea and nay vote can be ordered, it is required that one fifth of the members present shall signify their desire that the vote be taken by roll call. Those in favor of the roll call will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: A sufficient number not having arisen the yeas and nays are not ordered.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to say a word, perhaps out of order. Of course when this bill is ultimately voted on, the only fair way in which our vote can be determined, as all the members are not here, is by a yea and nay vote on its ultimate passage, be-

cause, ordinarily, there are some people who do not rise on a vote that is taken simply by standing. The only fair and just way on the ultimate passage of a bill is to take a yea and nay vote and I cannot see why anybody should want to dodge a yea and nay vote and not be recorded.

The SPEAKER: The question before the House is not upon the bill but upon the acceptance of the report. Are you ready for the question? All those in favor of acceptance of the majority report will say aye. Those opposed, no.

A viva voce vote being taken, the majority report was accepted, the bill had its two several readings under suspension of the rules and tomorrow assigned for its third reading.

From the Senate: Report of the committee on Judiciary reporting ought to pass on bill an act relative to the Deer Isle-Sedgwick Bridge District, S. P. 740, L. D. 940.

Comes from the Senate the report read and accepted and the bill passed to be engrossed.

In the House the report was accepted in concurrence and the bill had its two several readings under suspension of the rules and tomorrow assigned for its third reading.

Order (Out of Order)

On motion by Mr. Carswell of Gorham it was

Ordered that the Clerk of the House be directed to send to Honorable Frank E. Mace on behalf of the members of the House a bouquet of flowers and their wishes for his speedy recovery.

On motion by Mr. Doyle of Caribou.

Adjourned until tomorrow morning at ten o'clock.