

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

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

Special Session, December 16, 1936

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Saturday, December 19, 1936.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

From the Senate: Final report of the committee on Appropriations and Financial Affairs.

In the Senate read and accepted.

In the House, read and accepted in concurrence.

The SPEAKER: The Chair will say at this time that the House has acted on all papers in its possession, and it is awaiting now the action of the Senate, with only one matter before the Legislature. Therefore, we will recess and be within sound of the gong ready for such quick action as may hasten our final adjournment.

AFTER RECESS

10:55 a. m.

Paper from the Senate, out of order, under suspension of the rules. From the Senate: H. P. 1866, L. D. 941: An act relating to Old Age Assistance, which was passed to be enacted and passed to be engrossed in the House yesterday.

Comes from the Senate in that body failing of passage to be enacted in non-concurrence.

In the House, on motion by Mr. Hill of South Portland a viva voce vote being taken it was voted that the House insist.

The SPEAKER: Under this vote this matter has to go back to the Senate for further action so kindly stay within sound of the gong.

AFTER RECESS

11:40 a. m.

The House recessed until 1:30 p. m.

AFTERNOON SESSION

2:10 p. m.

ORDERS

On motion by Mr. Hill of South Portland, it was

Ordered that the Clerk is directed to call the roll of the members of the House for the purpose of determining the names of members to be included in the payroll.

A roll call by the Clerk disclosed 131 present, and 16 absent.

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA**

To the Honorable Senate and House of Representatives:

I return without my approval H. P. 1886, L. D. 941, An act relating to old age assistance.

The bill, in my opinion, will not continue Federal grants to assist the State in carrying on the old age assistance program as established by order of the Governor and Council passed December 27, 1935, and further will seriously, if not entirely, stop further payments of old age assistance to many very worthy recipients.

The bill, prepared with great care and understanding by the Honorable George W. Leadbetter for presentation, would have in my judgment, enabled the State of Maine to continue to receive from the Federal Government grants and aid for old age assistance—thus enabling the State to make payments to those worthy and deserving of State help commensurate with a standard of sustenance necessary and sufficient to maintain good health and decency.

The bill is objectionable for another reason.

If I were to approve this bill in its present form I would thereby absolutely deny to the State the continuance of the Federal grants beneficially enjoyed in aid of our dependent children and our most deserving blind.

All three of these Federal grants in aid, namely, for old age assistance, aid to dependent children and to the blind, we have been able to obtain because of the order of Governor and Council approved as hereinbefore mentioned.

By reason of that order which included and met all the requirements of the several titles of the Social Security law, and passed under emergency conditions and certified by the Attorney General as to its constitutional validity as having the force and effect of law the said Social Security Board accepted it as the equivalent of a State law or plan and as covering all the phases of public assistance, namely, old age assistance commonly called old age pensions, and to dependent children and aid to the blind.

It is under that plan as approved, this State has received many thousands of dollars from the Federal government, not only for old

age assistance but for aid to our dependent children and our very worthy blind.

The passage of this bill if approved by me, would as a matter of law terminate unquestionably so much of the plan as relates to our dependent children and needy blind under which we now receive a Federal grant as to them of many thousands of dollars because, it would be a new law, a plan covering only old age assistance and would have to be resubmitted to the Social Security Board for approval.

I stand unalterable in favor of old age assistance for our worthy aged.

It was I that established with the valued cooperation of the present Council the first old age assistance program in our State of Maine, and payments are now being made to approximately four thousand people.

Let no individual charge that I am unfriendly to the continuance of our old age program.

Let it be known that I am opposed to the present legislation solely because it tends as a matter of law to destroy the board system covering the three main purposes of public assistance. If we expect to receive continued Federal grants as to them, we must do all in our power to help not only the aged and infirm, but the dependent children and the needy blind.

If payments from State funds for the aged, dependent children and the blind are to continue, three alternatives in my opinion, present themselves to the Legislature and to the Chief Executive and his Council, convening on the first Wednesday of January of next year:

First: To pass as soon as possible an old age pension act and cause its approval by the Social Security Board.

Second: To pass a Council Order similar in phraseology to the present Council Order destroyed, in my opinion, by the present bill.

Third: To pay from the fund derived from the tax provision of the present bill to the aged of the State such State funds as may accrue without Federal participation.

In order to do this, however, the Legislature would be obliged to pass a State old age pension law, because we have at the present time no workable old age pension law.

To summarize, this Legislature has destroyed any expectation that Maine may have to receive, in my opinion, Federal funds for old age relief for the blind and crippled children until the next Legislature acts either to establish an old age law that complies with the requirements of the Social Security Board or an old age pension act payable entirely from funds collected in the State.

I will sign any bill presented to me by this Legislature which will, in my opinion, preserve for the aged, the blind and dependent children the benefits which they are now receiving, but I refuse to sign a bill which, in my judgment will deprive the aged, the blind and dependent children of the Federal assistance which they are now receiving.

Let it be known that I am opposed to the present legislation not because I am unfriendly to the aged of this State, but because the legislation destroys the system of old age relief which we have built up in Maine during the last year.

I recognize the sincerity, the patriotism and high-mindedness of the Legislature and regret exceedingly to be obliged to return, without my signature, a bill affecting the aged people of this State, but I cannot affix my signature to an act which, in my opinion, destroys not only old age Federal benefits, but also the Federal assistance coming to Maine for dependent children and the blind.

You have, in my opinion, destroyed the benefits which I asked you to preserve.

Respectfully submitted,

LOUIS J. BRANN

Governor

On motion by Mr. Hill of South Portland the message and accompanying bill were temporarily tabled.

AFTER RECESS

3.40 P. M.

On motion by Mr. Hill, it was voted to take from the table H. P. 1886, L. D. 941, bill an act relating to old age assistance.

Mr. SEWALL of Bath: Mr. Speaker and members of the House: Our Governor has requested of us a certain appropriation for carrying out old age assistance in Maine. We in Legislature assembled have found means of raising the necessary funds and have appropriated the same for that purpose. It now appears that

the Governor has certain objections, based apparently on the question of approval from Washington. I am not a lawyer, but it seems to me to be a self-evident fact that if the Social Security Board in Washington will accept an order of Council in order to extend aid to Maine, it will certainly accept an act duly passed by the representatives of the people of Maine. I believe this House has the courage of its own convictions. I therefore urge that we send this bill back to the Governor with a greater majority than it had before.

Mr. CARSWELL of Gorham: Mr. Speaker and members of the Eighty-seventh Legislature: For the past four days we have been endeavoring to frame a Social Security bill acceptable to the Federal Government that the aged, the blind, and the crippled children of the State of Maine may receive much needed assistance. Every member of this House is particularly anxious that this result be accomplished before we again return to our homes. We have in good faith passed legislation designed to accomplish this end, but we are informed on the best of authority that the result of our efforts does not meet with the approval of the United States government. I do not believe the members of this House desire to return home until they have passed a bill which they are sure will accomplish the purposes for which we are assembled here. The Governor, who has always been striving conscientiously to furnish aid to these classes, is compelled to return to us without his approval this bill, and I can assure you that he did this most reluctantly. He is particularly anxious that the aged, the blind and the crippled children of the State of Maine shall secure the aid which is promised them under the Social Security bill. Can we, simply for the sake of passing a bill over his veto, jeopardize those chances? Let us all stand steadfastly with the Governor, and when this bill has been removed, let us strive without bias, without prejudice and with one accord to frame a bill which will not jeopardize the fortunes of the unfortunate, but will cause all the citizens of the State of Maine to proclaim to us: Well done, good and faithful servants. (Applause)

Mr. WILLEY of Falmouth: Mr. Speaker, we were summoned here in special session at great expense to the State and greater expense to the members of this House and Senate by Louis J. Brann, Governor of Maine. We have been faithful to the call of duty. We came. The Governor came before us and delivered a message in which he pointed out three matters which needed prompt legislation, and they were, the unemployment measure, the Deer Isle-Sedgwick measure and the old age assistance measure. Again we were faithful to our trust. Promptly and lawfully we enacted measures which the Governor personally approved, and which completely comply with his message and the requests therein contained; but no sooner had we undertaken the duties he had called us to undertake, and had assigned to us, then did he set into operation his political forces of resistance to the old age assistance measure.

Everyone of you members will recall the closing day of our last session when again he set those same political forces of resistance into action on this same identical question. On that occasion he gained his point of much desired publicity, and only that point, and left the Republican members of the House and Senate holding the bag.

Tides run not smoothly for any man, whether he be prince or pauper, and today in order to gain that publicity he would again traffic with human misery, but this time his own party will hold the bag. It is his party who will defeat this measure if it is defeated. It is he, and none other who has attempted to direct their votes from, and privately in, his Executive Chamber. His position on this measure has been as changeable as the winds of the heavens. First, the Appropriation's Committee after due deliberation and consideration went to him and presented to him this bill, and he said "I will approve that bill." Shortly after word came that he objected to coupling old age pension with liquor revenue, and gladly the House responded and that objection was removed from the bill.

His next objection here in the hall of this House that he objected to a sales tax; that during his administration he did not want to set up a precedent of establishing a sales tax to produce revenue for the

State; but he must have given that some consideration, or had some advice, because he must have realized that for years we have had a sales tax in the State of Maine on gasoline and out of that sales tax crept the questionable evils of other sales tax legislation of which he was afraid. He realized that he was in a disastrous position and he had to change to something else. I heard him with my own ears agree to call off his forces in the Senate provided they would agree to the tax of five per cent and have the expiration date fixed as of April first.

He, the Governor, was on the spot last night when we adjourned, and he, the Governor, is on the spot today. Now comes his veto message in which he says "In my opinion." Members of this House, in no place in this veto message does he say the Federal government will not pay this money to us, but it is "in my opinion," and in those words lie the entire excuse for this sudden act of his. He would traffic with human misery and then crawl out in those words "in my opinion." If he has that information, why does he not bring it in to us? Throughout that entire message, members of the House, how many times did you hear those words, "in my opinion?"

Again he says in that message, "I will sign any bill which meets with my approval." But, members of the House, he told the Appropriation's committee that he would sign that bill. Who can believe him? What value can we attach to his word when he has so conducted himself with that honorable committee.

What he says about the funds coming from Washington may be so, but apparently he does not know it or is not certain enough of it to tell us so. After watching his political movements and the forces he has set in motion to gain what I term nothing but cheap publicity, when he plays with human suffering, I feel that he has failed to keep the faith with this Legislature which he called into special session. I feel that he has failed to keep faith with the old people of Maine, who, he says, "Let no man say I do not stand for." He asked us for one hundred thousand dollars and we have given him two hundred thousand dollars with no attachments to it whatever and we have given those old people that two hundred thousand dollars. We have placed it at the disposal of the Governor and Coun-

cil exactly in accordance with his command to us in order that we might assure them a sense of security at this Christmas time and with the real knowledge that the incoming Legislature will keep the faith as we have kept it; and if this bill fails of passage, it can be laid to no door other than the door of the executive offices of Governor Louis J. Brann of the State of Maine. I ask every member of this House to send that measure back to him as we indicated it in accordance with his original request. You need not worry for fear we will not get the money from Washington. Let us send the word to those old people of Maine that their old age pension will not be cut off. I thank you. (Applause.)

Mr. FLANDERS of Auburn; Mr. Speaker and members of the Eighty-seventh Legislature: Some reference has been made here to the conference we had with Governor Brann. The Appropriation and Finance committee was very anxious, after we received the Governor's message, that some law should be enacted whereby we could get a revenue to carry on this old age assistance for we felt it was the sincere desire of His Excellency, the Governor, that he have funds to carry it on. As I said yesterday in this hall, we spent an hour and a half or two hours trying to find some way whereby we could make an appropriation to meet his desires. After we had consulted there for a couple of hours a committee was appointed and on that committee was the Senate Chairman, Mr. Hussey, Mr. Schnurle from the Senate, Mr. Thompson, Mr. Sewall and myself from the House, Mr. Thompson being the Democratic member, and the assistant Democratic floor leader at the last session. I want to tell you sincerely that politics never entered our minds. Our only thought was to procure sufficient funds so that these old people in our State could be cared for. We asked the Governor in our conference if he had any suggestions. He said "I have no suggestions to make. Whatever this Legislature wants to do I think will be agreeable to me." Then Mr. Hussey told him that we thought the only source of revenue that we could get quickly would be from the liquor interest, the tax on liquor. Mr. Hussey told him also, with the other members of the committee that we

had decided to make that \$200,000 and that we would have to place a ten per cent tax on the sale of liquor to raise that amount. He also said "I think you have got the price too high. I am afraid it might be detrimental to the sale of liquor, and," he said, "I should suggest five per cent." We figured it over carefully with him and we decided that it would take at least ten per cent to take care of this \$200,000. When we went out we asked him again if he had any suggestions to make and he said: "Whatever this Legislature deems advisable will be satisfactory to me." Now we acted in the utmost sincerity and we never thought for a moment that this bill would be vetoed. Our only thought and purpose was that we might go back home and tell these people who are on relief that we had provided a way to take care of their assistance for we had been told that there is only \$25,000 or \$27,000 in the contingent fund and that there is no other place where this money could be secured. I hope, friends and members of this Legislature, that you feel that the responsibility is on you if this money is not provided. I thank you. (Applause)

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, there is very little that I care to add to this discussion and I will be brief. There is, however, one feature of the veto message that has not been touched upon. I refer to the grants in aid of dependent children and the needy blind. I was surprised to learn from the words of the gentleman from Gorham (Mr. Carswell) that we have been trying for the last four days to pass an act to conform to the Federal Social Security Act. I did not understand that and the Governor did not ask that. The Governor asked for \$100,000 to continue the program for old age assistance. There was no mention made to me of dependent children or needy blind and I can find nowhere in the bill any such mention. These Federal grants, as I understand it, have been granted on approval of an order of the Governor and Council. As a lawyer I can see no way that we can change that order. I do not, for one, believe that the Honorable John G. Winant and the other members of the Social Security Board are trying to administer the Social Security Act for any

other purpose than that for which it was intended or that they will ever reject aid to Maine on such a flimsy excuse as that. I thank you. (Applause)

Mr. JACOBSON of Portland: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Jacobson, has moved the previous question. To entertain the motion there is required the consent of one-third the members present.

All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Thirty-four having voted in the affirmative, the motion does not prevail. The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, there is very little that I might add to the excellent discussion of this question that has already taken place. In the message of the Governor there appears to be substantially two objections as I have read it over. The first is that in his opinion Federal aid would not be granted for the continuance of old age pensions in the State if this act is put into effect. The second is that there would be no further aid from the Federal government for our dependent children and needy blind.

I would not approach this question from any angle of partisanship. If it were my belief that the passage of this bill would have a harmful effect upon those of our needy aged entitled to relief, I should not vote for the passage of the measure; but it is very difficult for me to believe that, when the Federal Social Security Board has in the past approved a plan set up by the Governor and Council without sanction of an act of the Legislature, that the Social Security Board would now reject a plan based upon the action of the Legislature. Previously we have had no funds appropriated for this purpose by the Legislature, and yet the system devised by the Governor and Council, without such appropriation and without such law, was wholly approved in Washington and Federal funds have been forthcoming for many months.

As to the provisions relative to the plan which has already been

pointed out, I believe that this bill which has been passed by the Legislature and returned by His Excellency makes no reference whatever to the plan in any way, shape or manner, and has no connection that I can see with that subject. The Governor, as has been said, did not in his message upon the convening of the Legislature request any legislation relative to the plan. He said and I quote: "I respectfully recommend that you appropriate the sum of one hundred thousand dollars for old age assistance and the administration thereof until March 1, 1937." The Legislature has acted in accordance with that request.

I am unable to see any reason, and the Governor has pointed out none in his veto message, why the passage of a bill appropriating money for old age pensions should alter the present situation as to aid to the blind. The blind have been granted aid under the laws as they have heretofore existed in the State, and, certainly, as anyone can see, this old age pension measure in no sense repeals any laws relating to the blind. I would not venture to prophesy what any of those in authority in Washington might do in such a matter, but I cannot understand how, if they view the situation from an impartial and non-political point of view, they can fail to approve the plan indicated by this bill passed by this Legislature which provides that the Governor and Council shall have direct charge and supervision over the administration of the act, thereby enabling the Governor and Council to make such other plans as might be necessary or as might be required from Washington.

The measure, of course, is designed only as a stop-gap measure. It is a temporary bill designed to be effective until the next Legislature acts. If the bill is enacted and becomes a law and is approved in Washington, our aged will continue to receive their pensions. If it should not be approved in Washington, it is a matter of only some sixteen or eighteen days until the next Legislature will be here.

I sincerely hope that the House will abide by its previously expressed convictions and vote that this bill be enacted into law notwithstanding the objections of His Excellency, the Governor. (Applause)

Mr. HEALD of Lovell: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lovell, Mr. Heald, has moved the previous question. To entertain this motion requires the consent of one-third the members present. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously a sufficient number having arisen, the previous question is ordered. The question now before the House is shall the main question be put now. All those in favor of the motion will say aye, those opposed no.

A viva voce vote being taken, the motion to put the main question prevailed.

The SPEAKER: Under the Constitution the yea and nay vote must be taken and during the taking of this vote no member shall leave his seat until the vote is taken and the result finally announced; and if there are any visitors occupying seats of the members they will kindly withdraw to the sidelines.

The question now before the House is on the Governor's veto, and the question is in this form: Shall this bill become a law notwithstanding the objections of the Governor? A vote yes is a vote in favor of the passage of the bill. A vote no is against the passage of the bill and sustains the Governor's veto. Are you ready for the question?

The Clerk will call the roll.

YEA—Alden; Austin, Exeter; Ayer, Bragdon, Burnham, Cambridge, Carleton; Chase, Baring; Chase, Limington; Chase, Sebec; Churchill; Clark, Plymouth; Clarke, Cooper; Cole, Cook, Coolidge, Crowell, Cummings, Currier; Davis, Fairfield; Davis, Newfield; Dorr, Dow, Eddy, Elliot; Ellis, Castle Hill; Ellis, Rangeley; Findlen, Flanders; Fogg, Rockland; Fowles, Gleason, Goss, Graves; Gray, Presque Isle; Hagan, Hall, Hammond; Harriman, Gardiner; Harriman, Prospect; Haskell, Hathorn, Hescok, Higgins, Hill, Kendrick, Lancaster, Lewis, MacKenzie; Martin, Dexter; Martin, Oakland; Mason, McKay, Mosher, Newton, Oliver, Palmer, Parsons, Patterson, Payson, Phair, Philbrick, Richardson, Russ, Ryder, Seabury, Sennett, Sewall, Shaw, Sleeper; Smith, Bangor; Sprague, Stickney, Stillphen, Story; Thompson, Chelsea; Tompkins, Vaughan, Weatherbee, Webber, Wentworth, Willey, Woodbury, Worthen, Young.

NAY—Austin, Parkman; Belaire, Boucher, Bramson, Brown, Burgess, Burrill, Bushey, Carswell, Connolly, Cote, Crosby, Demers, Desmond, Donahue, Donovan; Doyle, Caribou; Drisko, Eveleth, Forbes; Forgue, Lewiston; Fortin; Gray, Brooksville; Heald, Hearn, Hobbs, Jacobson, Jillson, Labbee, Latno, Lausier, Lebel, Leclair, Lindsey, Maheu, Mallett, Poulin, Proctor, Sawyer, Scates; Smith, Van Buren; Stoddard, Thurston, Wallace, Wheeler, Wright.

ABSENT—Bubar, Deering, Dennett, Devereux; Doyle, Skowhegan; Gibbons Hastings, Jandreau Kilroy, King, Leonard, Mace, Noyes, Pike, Rush; Thompson, Belfast.

Yes—85.

No—46.

Absent—16.

The **SPEAKER**: The members present and voting are 131; yes, 85, no, 46. Less than two-thirds of the required number not having voted in the affirmative, the veto is sustained. (Applause)

The **SPEAKER**: The members will remain within sound of the gong.

AFTER RECESS

A message was received from the Senate, through its Secretary, informing the House that the Senate had transacted all the business before it and was ready to adjourn without day. (Applause)

On motion by Mr. Hill of South Portland, it was voted that a message be sent to the Senate informing that body that the House, having acted on all matters coming before it, is ready to adjourn without day.

The Clerk of the House was appointed by the Chair to convey the message to the Senate, and he subsequently reported that he had performed the duty assigned him.

Paper from the Senate, out of order, under suspension of the rules.

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 the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication which he may be pleased to make.

In the Senate read and passed. In the House, read and passed in concurrence with the following members appointed on the part of the House:

Representatives:

Cook of Pittsfield
Carswell of Gorham
Coolidge of Livermore
Hescock of Monson
Hearn of Saco
MacKenzie of Jackman
Mrs. Forbes of Dover-Foxcroft.

Subsequently, Mr. Cook for the committee reported that the committee had performed the duty with which it was charged.

The **SPEAKER**: I want to say to the members of the Legislature that, with the magnificent reward you have received for your services here, I trust you will all have a Merry Christmas and a Happy New Year. I also wish at this time to express to the members of this Legislature my appreciation of their very strong and hearty cooperation in the hours that I have presided over you, and I trust that we will meet again sometime. (Applause)

The Chair now recognizes the gentleman from Sebec, Mr. Chase.

Mr. CHASE: Mr. Speaker, the work assigned to this body has been completed and some of us who are about to leave this room will not come back here again as members. I feel that we all appreciate the able, impartial and courteous manner in which our Speaker has presided over our deliberations and I feel sure that we admire him for it.

I now move that we adjourn without day.

A viva voce vote being taken, the House adjourned sine die.