

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Tuesday, January 22, 1935.

Senate called to order by the President.

Prayer by the Rev. Edwin Cunningham of Augusta.

Journal of Thursday, January 17, read and approved.

Papers from the House disposed of in concurrence.

From the House, Bill "An Act to Inflict Corporal Punishment upon Husbands Found Guilty of Assault upon their wives." (H. P. 199) (L. D. 61)

In the House, referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Bissett of Cumberland tabled pending reference in concurrence.

The following bills, resolves, etc., were received and on recommendation by the committee on reference of bills were referred to the following committees:

**Education**

Mr. Bissett of Cumberland presented Petition of Elizabeth MacVeagh of Brunswick and fifteen others favoring recommendations of the Maine School Finance Commission. (S. P. 145)

Sent down for concurrence.

**Inland Fisheries and Game**

Mr. Hussey of Kennebec presented "Resolve Regulating Fishing in Greeley Pond." (S. P. 146)

Mr. Blaisdell of Hancock presented "Resolve Regulating Fishing in Silver Lake." (S. P. 147)

Sent down for concurrence.

**Judiciary**

Mr. Jackson of Sagadahoc presented Bill "An Act Providing for the Regulation and Supervision of Electricians." (S. P. 148)

(On motion by Mr. Jackson of Sagadahoc, tabled pending reference.)

Mr. Fernald of Waldo presented Bill "An Act Providing for the Establishment of a Judicial Council." (S. P. 149)

Mr. Blaisdell of Hancock presented Bill "An Act in Relation to Written Instruments, Reciting that the Same are Under Seal." (S. P. 150)

(500 copies of each ordered printed.)

Sent down for concurrence.

**Mercantile Affairs and Insurance**

Mr. Bissett of Cumberland presented Bill "An Act Relating to the Insurance of Steam Boilers." (S. P. 151)

(500 copies ordered printed.)

Sent down for concurrence.

**Labor**

Mr. Winn of Androscoggin presented "Bill "An Act Relating to Payment of Wages." (S. P. 152)

The same Senator presented Bill "An Act Relating to the Payment of Wages." (S. P. 153)

The same Senator presented Bill "An Act Relating to the Payment of Wages." (S. P. 154)

(500 copies ordered printed.)

Sent down for concurrence.

**Legal Affairs**

Miss Martin of Penobscot presented Bill "An Act to Confirm the Organization of University of Maine Foundation and to Define its Powers." (S. P. 155)

Mr. Fernald of Waldo presented Bill "An Act Relating to the Office of Sheriff." (S. P. 156)

(500 copies ordered printed.)

Sent down for concurrence.

**Pensions**

Mr. Ashby of Aroostook presented "Resolve in Favor of Mrs. Carrie Clark, of Fort Fairfield." (S. P. 157)

Sent down for concurrence.

**Public Health**

Mr. Hathaway of Piscataquis presented Bill "An Act Relating to Health." (S. P. 158)

(500 copies ordered printed.)

Sent down for concurrence.

**Ways and Bridges**

Mr. Friend of Somerset presented "Resolve in Favor of the Town of Solon." (S. P. 159)

The same Senator presented Bill "An Act to Create and Allocate a General Highway Fund for State Road, State Aid and Third Class Highway Construction." (S. P. 160)

(500 copies ordered printed.)

Sent down for concurrence.

**Orders**

On motion by Mr. Hussey of Kennebec, it was

ORDERED, that the use of the Senate Chamber be accorded to the use of the New England Council in the afternoon of Thursday, January 31, 1935.

Mr. Fernald of Waldo presented the following order:

ORDERED, that the Controller shall file with the Secretary of the Senate within forty-eight hours after the passage of this order an itemized account, showing the number of meetings attended by each member, salaries, fees and other expenses including telephone calls, postage, mileage allowance, and so forth, paid to each member of the Governor's Council since he assumed office in January of 1933 and till he completed his term in 1935, and also the detailed itemized expenditures of any and all sums charged against the contingent fund of the Governor and Council for the same two-year period.

On motion by the same Senator the order was thereupon laid upon the table and tomorrow morning assigned.

#### Reports of Committees

Mr. Burkett of Knox from the Committee on Pensions on "Resolve Providing for a State Pension for Katherine Closson of Searsport," (S. P. 69) reported that the same be indefinitely postponed on account of death.

Mr. Jackson of Sagadahoc from the same Committee on "Resolve in Favor of a State Pension for Lucy Cuddy of Augusta" (S. P. 56) reported that the same be indefinitely postponed on account of death.

Which reports were read and accepted.

#### Orders of the Day

The President laid before the Senate, Senate Order, relative to changes in the County System of Government, tabled on January 17th by Mr. Fernald of Waldo pending passage.

Mr. FERNALD of Waldo: Mr. President, I realize that any discussion relative to county government is rather a dry morsel for one to consume prior to a pleasant meal at the Augusta House or somewhere else, but I do feel that since, in this state at least, no discussion, no research or no study of any importance has been made relative to our county form of government, relative to its usefulness, its efficiency, its effectiveness or its costs, or how the cost of county government in this state compares with the cost of county government in other states, I feel that at this time it would be

well for us to consider our county government and to consider, possibly, an opportunity to change that form of government in order to make it more useful and in order, if possible, to save the tax-payers of Maine money, money that would be reflected in a lesser county tax to each and every town and municipality in the State of Maine.

Personally, I would prefer that the vehicle we use to procure this remedy would be a constitutional convention, but that is not feasible at this time. Although it is the most logical method, I do not feel that at this time the matter could be carried through.

My second method would be by the appointment, by the Governor, of a committee of our public-spirited citizens, citizens who are not politicians, citizens who have no particular personal political alignment or preference, persons who have no political fences that they want to rebuild or that they want to maintain or that they do not want to see destroyed. But that, I do not believe would be politically expedient at this time.

And so in this order that I have presented before the honorable Senate today I have asked for what I consider the minimum that I could ask for in order that some investigation might be made by ourselves and some minor changes or minor recommendations made to the next Legislature, with the hope that in a beginning that we would make in the 88th Legislature that beginning might lead to the sowing of certain seeds of change or reform or betterment that would lead to a greater effort or a greater study being made.

I have asked in this order that the Governor appoint three members from this honorable body and four members from the House. I think we all recall the efforts that were made by Gov. Alfred Smith during his term as governor, his constructive term as governor of New York, the changes and reforms that he brought about. And I think we all realize the efforts made by Gov. Bird of Virginia and the splendid record in county consolidations that was accomplished in the Old Dominion, down in old Virginia. And we are all familiar with the splendid record of Gov. Ritchie of Maryland and with the efforts that Gov. Roosevelt made in New York and with the efforts that are now

being made in Colorado and in Alabama. And we know too that Gov. Lowden of Illinois in his set-up of county reorganization in that state made a reputation for himself and a saving for the state of Illinois that made him at one time a potential candidate for the Republican nominee for President, upon that record and upon that record alone.

Now, this order calls for the expenditure of not one cent of anybody's money except the money of those whom the Governor sees fit to appoint on the committee. The order calls for the making of no recommendations. It requires nobody to make a recommendation of change. It simply says to the members of the committee, "Will you investigate this question and see whether or not it would be advisable for us as members of the 87th Legislature to point out certain changes in our government that might be made?"

For instance, here is a change that the committee might well point out. As the law is now, upon the death of the sheriff in any county the vacancy is filled by the County Attorney; which is contrary to our constitution. And this committee might well make a recommendation that that change be made and that instead of the County Attorney assuming the office as sheriff during the interim between the death and the time that the Governor and Council confirm the appointment, that the Chairman of the County Commissioners assume the position.

I feel that our county government which was created and set up over a hundred years ago, is too expensive. It was created to handle a situation that did not have the means of transportation and the means of communication that we have today. And I think that it would be well if we looked into the question of making our county government more useful and less expensive, especially if we could in the State of Maine save fifty thousand dollars in our county government without decreasing the efficiency of our government. We could take that fifty thousand dollars and we could take care of a great many poor families and we could take care of a great many old age pensions, if we saw fit.

There is no need of pointing out what we could do with the fifty

thousand dollars if we saved it. For instance, the lawyers who are members of this honorable body realize that in certain of the smaller counties the January term of court, or some one of the terms of court, could well be dispensed with without decreasing the efficiency of our machinery of justice. There is something that your committee might well point out without going to too much trouble in a study of this situation. And we are well aware that at the University of Maine under several of the departments there studies are being made of various counties, and I am especially familiar with the study made of Penobscot County. And I have no doubt but what in that study made by the students at the University of Maine there might be some seeds of wisdom that we might incorporate into our public laws.

And without further burdening the sleepy members of the Senate I would like to move at this time, Mr. President, the passage of this order; and I would like to request that when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: The Senator from Waldo, Senator Fernald, has moved the passage of this order and that when the vote is taken it be taken by the Yeas and Nays.

A division of the Senate was had. A sufficient number not having arisen the Yeas and Nays were not ordered.

The PRESIDENT: The question is now upon the passage of the order.

Mr. BURKETT of Cumberland: Mr. President, I notice that there are quite a number of vacancies in the Senate this evening, noticeably some of the Senators from the smaller counties which would be most affected by any attempt made to consolidate the counties. I think this matter should have more discussion than it has had here this evening and I move that it lay upon the table.

The motion to table prevailed.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act providing aid for school consolidation and for state supervision of school-building placement and construction (S. P. 129), tabled by that Senator on January 17th pending reference; and on further motion by the same Senator the bill was

referred to the Committee on Education and two thousand copies ordered printed.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act requiring the formulation of a budget in each city, town and plantation in Maine and providing for state supervision of budgetary procedures (S. P. 131), tabled by that Senator on January 17th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Education and two thousand copies ordered printed.

Sent down for concurrence.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table, Senate Order relative to changing upholstery and

drapery to match carpet in the Senate Chamber, tabled on January 2nd by that Senator pending passage; and on further motion by the same Senator the order was indefinitely postponed.

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, An Act to inflict corporal punishment upon husbands found guilty of assault upon their wives (L. D. 61), tabled by that Senator earlier in today's session pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Bissett of Cumberland,

Adjourned, until tomorrow morning at ten o'clock.