

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-Eighth Legislature

OF THE

STATE OF MAINE

IN SPECIAL SESSION

October 26, 1937

**KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE**

HOUSE

Tuesday, October 26, 1937.

This being the day designated in the proclamation of the Governor for the meeting of the Eighty-eighth Legislature in special session, the members of the House of Representatives assembled in their hall at three o'clock in the afternoon and were called to order by the Speaker.

Prayer by the Rev. Mr. Akeley of Gardiner.

The SPEAKER: The Eighty-eighth Legislature has convened in special session in accordance with a proclamation issued on October 15, 1937, by His Excellency, the Governor. The Clerk will now read the proclamation.

STATE OF MAINE

Proclamation by the Governor

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider legislation relating to old age assistance and to provide revenue necessary therefor.

To consider legislation relating to economies in the cost of operation of State government.

To act upon any legislation to promote the welfare of the State.

I, THEREFORE, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Tuesday, the twenty-sixth day of October, 1937, at three o'clock in the afternoon, in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this fifteenth day of October, in the year of our Lord one thousand nine hundred and thirty-seven, and in the one hundred and sixty-

second year of the Independence of the United States of America.

(Seal) LEWIS O. BARROWS,
Governor.

By the Governor:

FREDERICK ROBIE,
Secretary of State.

A true copy:

Attest:

FREDERICK ROBIE,
Secretary of State.

On motion by Mr. Ellis of Rangeley, the proclamation was ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and thirty-three members answering to their names, a quorum was declared to be present.

On motion by Mr. Fellows of Augusta, it was

Ordered, that a committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the hall of the House for the consideration of such business as may come before it.

Thereupon, the Chair appointed as such committee Representatives Fellows of Augusta, Demers of Sanford, Dow of Mexico, Coolidge of Livermore, Forgue of Lewiston, Young of Old Orchard Beach and Russell of Gray.

The committee subsequently reported that it had conveyed the message entrusted to it.

At this point a message was received from the Senate, through its Secretary, informing the House that a quorum was present in the Senate Chamber and that body was ready for the consideration of such business as may come before it.

On motion by Mr. Higgins of Ellsworth, it was

Ordered, that a message be conveyed to the Senate that a quorum of the House of Representatives is assembled in the hall of the House for the consideration of such business as may come before it.

Thereupon, the Clerk conveyed the message to the Senate and sub-

sequently reported that he had performed the duty assigned him.

At this point a message was received from the Senate, through its Secretary, proposing a Joint Convention to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him, and for the further purpose of electing a Councilor to fill the vacancy existing in the Fourth Councilor District.

On motion by Mr. Ellis of Rangeley, it was voted that the House signify to the Senate its concurrence in the proposal for a Joint Convention.

Thereupon, the Clerk of the House was delegated to perform that duty and he subsequently reported that he had so done, which report was accepted with the thanks of the House.

At this point the Senate came in and a Joint Convention was formed.

IN CONVENTION

The President of the Senate in the Chair.

On motion by Senator Willey of Cumberland, it was

Ordered, that a committee be appointed to wait upon the Honorable Lewis O. Barrows, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chair thereupon appointed as members of that committee on the part of the Senate, Senators Willey of Cumberland, Owen of Kennebec, Sewall of Sagadahoc; and on the part of the House of Representatives Weatherbee of Lincoln, Demers of Sanford, Flanders of Auburn, Ford of Saco, Poulin of Biddeford, Dwinal of Camden and Pike of Lubec.

Subsequently, Senator Willey, for the committee, reported that the committee had discharged the duty assigned to it, and that His Excellency, the Governor, was pleased to say that he would attend forthwith.

The report was accepted.

Thereupon, the Honorable Lewis O. Barrows, Governor, accompanied by the Executive Council, entered the hall amid applause, the audience rising, and the Governor addressed the Convention as follows:

THE MESSAGE

Mr. President and Members of the Eighty-eighth Legislature:

I bid you welcome as you assemble in your respective chambers today to consider measures designed to promote the welfare of the State. The convening of the Legislature is always a solemn occasion, but this session is generally conceded to be one of greatest importance for many reasons.

We face a condition today that is a fact and not a theory. We meet at a time when concerted effort and prompt action is expected of us all. Furthermore we meet again after an absence of six months and we find that we are confronted with almost parallel conditions.

For instance, on January 7, 1937 we began our labors faced with the largest deficiency from the preceding four years ever presented to a Maine legislature. That deficiency, in excess of two millions of dollars, was most embarrassing at that time and still continues to be.

In addition to that we found that old age assistance payments had been inaugurated without any statutory authority and that all payments had been terminated during the month of December, 1936, for the lack of any revenue with which to continue them. You, in common with many other citizens of Maine were doubtless surprised to learn that payments were made for the month of December, 1936, only by omitting pension payments entirely for the month of October, 1936. The knowledge of all these facts was undoubtedly what prompted the request in the message to the special session of the 87th Legislature on December 16, 1936, as follows:

"In order that there be no interruption in the payments to those now receiving benefits under the old age assistance order in Maine, I respectfully recommend that you appropriate the sum of \$100,000 for old age assistance and the administration thereof until March 1, 1937. This will afford an ample oppor-

tunity to the incoming legislature to pass old age assistance legislation and provide for the financing thereof."

These words portrayed a correct and complete analysis of the situation at the moment and yet the response to this appeal by the 87th Legislature was nullified by veto.

In my first message to you I advocated the adoption of some plan to provide for the resumption of payments for old age assistance, to which you promptly responded. I still want to pay old age pensions and I believe you likewise have the same determination. Your efforts during the regular session clearly demonstrated that desire.

You are now convened in special session, resolved, I hope, to enact a law to authorize payment of old age pensions and to equalize educational opportunities as far as seems wise, and to provide the revenue to make all of this possible.

I conceive it to be the duty of the Executive to suggest the methods, and it to be the duty of the Legislature to consider the suggestions and to enact such statutes as may be necessary. The attempt, during the regular session, to solve this problem on a very broad scale would have required a substantial amount of new and additional revenue. Subsequent events would seem to indicate the necessity of considering a plan of financing these two activities in a more modified way and I now propose to proceed on that basis. Having in mind the mandate of your legislative order, the Governor and Council have constantly endeavored to conserve the resources of the State in every possible way. Through the efforts of departmental heads who have been most cooperative, and by long hours of arduous work, I am able to announce to you a curtailment in our annual expenditures which is already in progress at the present time, amounting to \$800,000 for the biennium. That amount will be available for your present deliberations. The analysis of this amount will be made available to you forthwith in a separate schedule.

In line with this same thought, I believe the knowledge of what has been transpiring through departmental effort in the last year for the interest of the taxpayers of this State might interest you.

Through the untiring efforts of the Public Utilities Commission a reduction in rates—hence real savings to the utility customers in electric current—has been ordered to the extent of approximately one-half million dollars. This represents rate reductions in thirty out of fifty utility companies of Maine.

In the Insurance Department, through the efforts of the Commissioner, rate reductions amounting to approximately \$25,000 in the next three years have been secured on the property of the State, likewise a saving to the taxpayers of Maine. I regard both instances as commendable and worthy of recognition. I mention these facts to give credit where it is due and, likewise, to impress upon you that these are but two of the instances where savings have been made, quietly, yet effectively.

In my last budget message, referring to the deficiency appropriation bill, I said:

"The amortization of this obligation over a period of years would cause serious cash embarrassment to the treasury. This obligation should be met in the shortest possible time, as the limited temporary borrowing capacity of the State only cares for necessary tax anticipation borrowings and should not be obligated for past expenditures and deficits."

That statement was based upon the condition of the treasury at the time (February 2, 1937) and the fact that the temporary loan of \$2,000,000, the limit under our present law, had been utilized and was due and payable on June 9, 1937. I am glad to report to you that the loan was paid in full and discharged on the due date. Furthermore, I hope that little, if any, of the amount of \$2,000,000 will be necessary to negotiate as a temporary loan.

For these reasons and because of the caution that is now being exercised I propose that you arrange to pay off the deficiency which was accumulated, over a four-year period instead of a two-year period, as you had originally provided. This will produce the sum of \$495,345.79 per year for your present deliberations.

Had you not been confronted with this past deficiency, your task

would have been made much easier.

Next I propose an additional amount added to the retail price of liquor equal to 5%. This should produce \$475,000 which can be utilized in your present calculations. By amendment to the present law, the amount of \$356,926.14 would be available from the deficiency beer tax for this present fiscal year and I urge that the change be made. If you will authorize these changes in allotments we will have a total of \$2,621,000 for the purposes for which you were convened.

From this total figure I recommend that the amount of \$200,000 per year be authorized for the purpose of educational equalization, under the direction of the Commissioner of Education, by an amendment to existing law. I should like to propose a larger figure for this worthwhile purpose but I do not feel it expedient at this time.

The entire remainder should be used exclusively for the payment of old age pensions and the administration thereof. I do not advocate the "ear marking" of funds for any of these purposes, but urge their allocation to general revenue and disbursement from only this source.

In the enactment of the necessary old age pension law I urge the adoption of a commission of three citizens of the State to be appointed by the Governor with the advice and consent of the Council, but attached to the department of health and welfare, to determine the eligibility of pensioners and to officially approve the pension application before payments are actually made. With a sincere determination and desire to provide relief to a maximum number of deserving aged people of Maine, it seems inadvisable to continue to delegate so much responsibility to any one official. It is, in my judgment, a prudent and wise expenditure with Federal funds assisting to the extent of 5% of the amount of pensions paid for administrative expense.

In order to insure the maximum benefits in relief payments I believe a reinvestigation should be immediately undertaken of all cases previously paid. There would appear to be no other way to clearly establish the fact that payments were being made to the most deserving applicants.

This program herein proposed is calculated to enable payments—hence, needed relief—to be made to approximately 9200 people of this State by the end of the present fiscal year, June 30, 1938. This amount is more than double the peak figure reached in October a year ago. Continued expansion of the list is also possible as time goes on to the limit of our resources.

In my inaugural message in relation to taxation, I said:

"Real estate and certain personal property are already carrying an excessive burden. No increases should be made in this direction and it would be highly desirable if some relief could be granted this type of property. Our sincere desire to relieve real estate, if possible, probably meets with the complete approval of our citizens."

My desires in that direction are as sincere now as they were when that statement was made and I herein do propose a plan to reduce taxation on personal property, which is rather general in scope.

The development of our highway program now depends entirely upon the receipts from the gas tax and motor vehicle registrations. Our laws are very specific in that there shall be no permanent diversion of highway funds and there never has been. I subscribe to that law. However, each successive year has shown a steady increase over the estimates from the above sources to the point where I believe some relief, or revision, should be considered.

To accomplish this, I propose a straight 5% reduction in our various rates on motor vehicle registration fees, effective for each 1938 registration and thereafter. I estimate this to be a saving of nearly \$175,000 per year to our citizens who register motor vehicles in Maine. This will in no way cripple the department of the Secretary of State and merely reduces the revenue to the Highway Department to the extent of \$175,000. It will not delay or curtail our highway program in any sense and is not a diversion of their funds. It will be of no assistance to you in your efforts to find money to pay pensions or aid in educational equalization, but it is a substantial and direct relief to a great majority

of our citizens and should be appreciated by them.

I would not advocate a more elaborate construction program than that which was approved this year, but I would sponsor such relief as is possible to those of our citizens who have, through the years, contributed so much to our highway system.

It should interest you to know that the Governor and Council feel that further curtailment may be possible as the result of our surveys which are still in progress, although as yet incomplete. For instance, closer adherence to the administrative code bill in the department of health and welfare will undoubtedly show substantial savings in investigation costs and travel expense, at the same time increasing the efficiency of the service. However, if these things are later indicated, there is no necessity for additional legislation, although you should realize that it is rapidly becoming increasingly burdensome to meet the ever-changing Federal regulations and requirements, wherein Federal aid is in any way involved. As you know, perhaps, many of the regulations are arbitrary, theoretical and expensive, yet they are daily being demanded in detail under the expressed threat of withdrawal or withholding of all Federal funds.

In many cases to meet these demands it means double the cost of administration and expense to the taxpayers whom I am primarily interested to serve.

The plan outlined is sensible, definite and carefully worked out. It does curtail certain State service, but it does not cripple necessary functions in any way.

I am convinced that with the same cooperation and control in the future that has been exercised during the past ten months, it can be made operative and effective, provided that you, able and conscientious legislators that you are, promptly enact the necessary legislation. It must be apparent to you that this program which I have presented does not entail oppressive taxation. It is one of curtailment which is desired.

It is highly desirable that you conclude your deliberations as speedily as possible. I urge the use of the emergency clause in order that this relief may be resumed at

the earliest possible moment. My desire to assist education and pay pensions is so intense that I have caused to be prepared the necessary bills to carry out the program that I have suggested. These will be presented immediately for your consideration. I hope you may find them consistent and can assure you of the willingness of the Executive to render all possible assistance.

Members of the 88th Legislature, will you assist me in carrying out the platform promises of your respective parties?

LEWIS O. BARROWS,
Governor of Maine.

Mr. Speaker, I herewith present to you the bills to which I have referred. (Applause, the members of the Convention rising)

The Governor and Council then retired, amid the applause of the Convention, the audience remaining standing.

The CHAIRMAN: Due to the death of Councilor Herbert E. Wadsworth of the Fourth Councilor District, there is a vacancy in that district. The next business to come before the Convention are nominations for the office of Councilor from the Fourth Councilor District.

Thereupon Senator Hussey of Kennebec, placed in nomination the name of Honorable G. Cony Weston of Augusta, as Councilor for the Fourth Councilor District, which nomination was seconded by Mr. Viles of Augusta.

On motion by Senator Owen of Kennebec, it was voted that the Secretary of the Convention be authorized to cast one ballot, the unanimous ballot of the Convention, for the Honorable G. Cony Weston of Augusta, for the Fourth Councilor District.

Thereupon, the Secretary performed that duty and the Chairman announced the fact that the Secretary of the Convention had cast one ballot for the Honorable G. Cony Weston of Augusta, as Councilor from the Fourth Councilor District, and that gentleman was declared a member of the Council.

On motion by Senator Marden of Kennebec, it was

Ordered, that a committee be appointed to wait upon the Honorable G. Cony Weston of Augusta, and inform him of his election as Councilor from the Fourth Councilor District and to escort the gentle-

man to the Convention for the purpose of subscribing to him the oath required by the Constitution, to enable him to enter upon the discharge of his official duties.

Thereupon the Chair named on such committee Senators Marden of Kennebec, Hussey of Kennebec and Friend of Somerset; and as members of the committee on the part of the House, Messrs. Viles of Augusta, Prince of Detroit, Brown of Bangor, Mosher of Farmington, Erswell of Brunswick, Plummer of Lewiston, and Mrs. Thurston of Bethel.

Subsequently the committee reported that it had attended to its duties and that the Honorable G. Cony Weston had accepted the honor conferred upon him and would immediately attend the Convention for the purpose of taking his oath of office.

Thereupon, Senator Hussey of Kennebec escorted Mr. Weston to the platform where he was administered the oath by the Chairman and was declared Councilor from the Fourth Councilor District. (Applause.)

Thereupon, the purposes for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to its chamber amid the applause of the House.

IN THE HOUSE

The Speaker in the Chair.

Mr. Flanders of Auburn, presented a resolution out of order, and under suspension of the rules, and moved its adoption as follows:

WHEREAS, the members of the House of Representatives of the Eighty-eighth Legislature have learned with profound sorrow of the untimely decease of the member from Auburn, the late Hon. Daniel W. Webber; and

WHEREAS, he had been for three successive terms a member of this House, rendering worthy and honorable service to his City and State, departing this life very shortly after his duties at the regular Legislative Session had been successfully completed; and

WHEREAS, in his associations with the members of this House he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart; and

WHEREAS, the members of the House of Representatives sense in his passing deep and abiding personal loss,

NOW THEREFORE BE IT RESOLVED, that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the Journal of the House and a copy transmitted to the widow of the deceased.

The resolution was adopted by a unanimous rising vote.

Mr. Dow of Jay, presented a resolution out of order and under suspension of the rules, and moved its adoption, as follows:.

WHEREAS, the members of the Senate and House of Representatives of the Eighty-eighth Legislature have learned with profound sorrow of the untimely passing of the late Robert W. Barrows, eldest son of his Excellency, the Governor and Mrs. Barrows; and

WHEREAS, by his decease the State of Maine has suffered the loss of an upright young man of great promise; and

WHEREAS, the people of the State of Maine and the members of the Senate and House of Representatives entertain for his bereaved family a sense of deep and heartfelt sympathy;

NOW THEREFORE BE IT RESOLVED by the Senate and House of Representatives that the State of Maine mourns the decease of the late Robert W. Barrows; and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the Journals of the Senate and House of Representatives and that a copy be transmitted to the bereaved family.

Thereupon, the resolution was adopted by a unanimous rising vote.

Communication From the Secretary of State

STATE OF MAINE DEPARTMENT OF MAINE

Augusta, October 26, 1937.

To Harvey R. Pease, Clerk of the House of Representatives of the Eighty-eighth Legislature:

In compliance with section 36 of chapter 2 of the revised statutes,

I beg to report that there are vacancies in the following representative class districts:

City of Auburn by the death of Daniel W. Webber of Auburn.

City of Lewiston by the resignation of Rosario J. Dutil of Lewiston, which resignation is on file in this office.

Towns of Kittery and Eliot by the resignation of Hollis B. Cole of Kittery, which resignation is on file in this office.

Respectfully,
(Signed) Frederick Robie,
Secretary of State.

(Seal).

On motion by Mr. Day of Durham, read and ordered placed on file, and on motion by Mr. Bird of Rockland, the names mentioned in the communication from the Secretary of State were ordered stricken from the rolls of the House.

Orders of The Day

Some members of the House having arrived after the roll call was taken, the Clerk called the roll of absentees and the roll call was amended accordingly.

Papers from the Senate out of order and under suspension of the rules: S. P. 540.

Ordered, the House concurring, that no bill or resolve be received by this Legislature after 3:00 o'clock in the afternoon of Wednesday, October 27, 1937, except by unanimous consent in the body in which it is introduced;

And further ordered, that any bill or resolve which shall be received in either body of this Legislature by unanimous consent after 3:00 o'clock in the afternoon of Wednesday, October 27, 1937, shall be referred to the Eighty-ninth Legislature, unless unanimous consent for its reception is not given in the other body in concurrence.

These orders shall not apply to such bills and resolves as are intended to facilitate the business of this special session of the Eighty-eighth Legislature.

Comes from the Senate read and passed in that body.

In the House, read and passed in concurrence.

From the Senate: S. P. 541. Ordered the House concurring, that

3,000 copies of the Governor's Message be printed.

Comes from the Senate read and passed in that body.

In the House, read and passed in concurrence.

From the Senate:

Memorial of the Maine Congress of Parents and Teachers. S. P. 452

The Maine Congress of Parents and Teachers, in Convention assembled in Bath, on this day, the twenty-sixth of October, do respectfully submit the following memorial to the Maine Legislature now assembled in Augusta, and pray that they may not adjourn until such action has been taken as will relieve the conditions stated therein.

Our support of public education has decreased 25% even from the low standard of 1931.

The defeat of the Sales Tax left no definite provision for support of Educational Equalization.

Providing funds for this purpose is one primary reason for a Special Session.

This Legislature is charged with the necessity of finding money either through economies or taxation or both, saving or raising the required amount.

We therefore respectfully urge this Special Session of the Legislature to definitely proceed to finance education and to logically move forward in the enactment of such taxes as shall be deemed wise and expedient and will assure the future character and equality of the citizenship of the State.

October 26, 1937.

(Signed) Margaret D. Little
(Mrs. Noel C. Little)
State President,
Maine Congress of
Parents and Teachers.

On motion by Mr. Gyger of Cumberland, the memorial was placed on file.

Mr. SLEEPER of Rockland: Mr. Speaker, I would like to ask your permission to address a very few words to the House.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, asks unanimous consent to address the House. Is there objection? The Chair hears none, and the gentleman may proceed.

Mr. SLEEPER: Mr. Speaker and Members of the House: I noted in a Boston paper that I was to introduce a bill for capital punishment, but until I read that paper, I knew nothing of it. So please do not feel I am going to waste your time in connection with any such bill, because unless there is a real desire for it coming from sources other than myself, I do not contemplate introducing any such bill.

The SPEAKER: The House will

bear in mind that the regular adjournment order passed at the regular session, providing in substance that all adjournments of the House shall be until the following morning at ten o'clock, unless otherwise ordered, is still in effect.

On motion by Mr. Philbrick of Cape Elizabeth,

Adjourned until ten o'clock tomorrow morning.