

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

IN SPECIAL SESSION

October 26, 1937

**KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE**

HOUSE

Friday, October 29, 1937.

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

Prayer by the Rev. Mr. Pressey of Augusta.

Journal of the previous session read and approved.

Mr. CHASE of Baring: Mr. Speaker, I ask unanimous consent, out of order and under suspension of the rules, to introduce a resolve relating to fishing in Grand Lake, in Washington County.

The SPEAKER: The gentleman from Baring, Mr. Chase, asks unanimous consent to present a resolve notwithstanding the provisions of the joint closing order. Is there objection?

Mr. THORNE of Madison: Mr. Speaker, I feel that I must object, and that the rule be enforced here as to the introduction of any more legislation at this time.

The SPEAKER: Unanimous consent is declined.

Mr. CHASE: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHASE: I ask for unanimous consent to address the House, Mr. Speaker.

The SPEAKER: The gentleman from Baring, Mr. Chase, asks unanimous consent to address the House. Is there objection? The Chair hears—

Mr. THORNE of Madison: Mr. Speaker, again I must object, and have the rules enforced in all cases.

The SPEAKER: Unanimous consent is declined.

Communication from the Governor

STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

October 28, 1937.

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

In compliance with the provisions of the Joint Order (S. P. 557) dated October 23, I hereby appoint the following members as the order directs:

On the part of the Senate—

Senator Laughlin of Cumberland
Senator Willey of Cumberland

On the part of the House—

Representative Hill of So. Portland
Representative Varney of Berwick
Representative Philbrick of Cape Elizabeth

(Signed) LEWIS O. BARROWS,
Governor

Comes from the Senate read and ordered placed on file.

In the House, read, and on motion of Mr. Larrabee of West Bath, the communication was placed on file in concurrence.

From the Senate: Resolve creating a Recess Committee on income tax legislation, H. P. 1930, L. D. 1087, which was passed to be engrossed in the House on October 28th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Ellis of Rangeley, the resolve was tabled pending further consideration.

H. P. 1981, Resolve on the payroll of the House of Representatives (Presented by Mr. Flanders of Auburn)

This resolve was received out of order, under suspension of the rules, given its two several readings without reference to a committee, passed to be engrossed and sent up for concurrence.

On motion by Mr. Ellis of Rangeley, the House voted to reconsider its action taken in yesterday's session whereby L. D. 1091, bill an act relating to investments for savings banks was passed to be engrossed.

Thereupon, Mr. Ellis offered House Amendment A and moved its adoption, as follows:

House Amendment A to bill an act relating to investments for savings banks, H. P. 1907, L. D. 1091.

Amend said bill by adding thereto the following emergency clause:

'Emergency Clause. In view of the emergency set forth in the preamble, this act shall take effect when approved.'

Thereupon, House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed and sent up for concurrence.

Orders

On motion by Mr. Philbrick of Cape Elizabeth, it was

Ordered, that the Clerk of the House be and hereby is directed to

record in an appendix to the Journal of the House appointments to Recess Committees heretofore or hereafter made by the Speaker when the Legislature is not in session and also resignations filed by members of such committees.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I would ask unanimous consent to address the House.

The SPEAKER: The gentleman from Ellsworth, Mr. Higgins, asks unanimous consent to address the House. Is there objection?

Mr. THORNE of Madison: Mr. Speaker, I object.

The SPEAKER: Unanimous consent is declined.

Mr. HIGGINS: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. HIGGINS: I would ask unanimous consent to enter a bill at this late date.

The SPEAKER: The gentleman from Ellsworth, Mr. Higgins, asks unanimous consent to present a bill. Is there objection?

Mr. THORNE: Mr. Speaker, I object.

The SPEAKER: Unanimous consent is declined.

Passed to be Enacted

(S. P. 551) (L. D. 1085) An act relating to the general highway fund.

On motion by Mr. Ellis of Rangeley, the House voted to reconsider its action of yesterday whereby this bill was passed to be engrossed.

Thereupon, Mr. Ellis offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. 551, L. D. 1085, bill an act relating to the general highway fund.

Amend said bill by striking out from the fourth line thereof the following:

“\$850,000 annually”, and inserting in place thereof the following:

‘\$30,000 for the fiscal year ending June 30, 1938, and \$850,000 for the fiscal year ending June 30, 1939.’

Thereupon, House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed.

Passed to be Enacted

(Emergency Measure)

S. P. 544, L. D. 1084: An act to provide for the surrender by town of Edmunds of its organization.

The SPEAKER: This being an emergency measure, it requires for

its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-seven voting in the affirmative and none in the negative, 127 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

S. P. 547, L. D. 1086: An act creating the Port of Northeast Harbor Authority.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-eight voting in the affirmative and none in the negative, 128 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

S. P. 549, L. D. 1082: An act relating to the sale of alcohol.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and the monitors will make and return the count.

A division being had,

One hundred and twenty-four voting in the affirmative and none in the negative, 124 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1910, L. D. 1102: An act to provide for the surrender by town of Albany of its organization.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected

membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted, and the monitors will make and return the count.

A division being had,

One hundred and seventeen voting in the affirmative and none in the negative, 117 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1924, L. D. 1109: An act relating to the purity of the drinking water supplied to North Windham.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-five voting in the affirmative and none in the negative, 125 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1932: An act to appropriate money for the expenses of State government and other purposes for the fiscal years ending June 30, 1938, and June 30, 1939.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-six voting in the affirmative and none in the negative, 126 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Finally Passed

(H. P. 1916) (L. D. 1089) Resolve relating to the road from Brownville to Millinocket.

Papers from the Senate, out of order and under suspension of the rules.

From the Senate: Ordered, the House concurring, that a sum not exceeding fifty (\$50.00) dollars be paid to Committee Clerks for services during this special session according to a schedule approved by the committee on Appropriations and Financial Affairs and filed with the Controller, S. P. 558.

Comes from the Senate, read and passed.

In the House, a viva voce vote being taken, the order was passed in concurrence.

From the Senate: Resolve on the payroll of the Senate, S. P. 555.

Comes from the Senate, given its several readings under suspension of the rules, and passed to be engrossed without reference to a committee.

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

House at Ease

11:35 A. M.

The SPEAKER: The House is proceeding under orders of the Day.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table order relating to the return of bills from all Joint Standing Committees tabled yesterday by that gentleman; and on further motion by the same gentleman the order was indefinitely postponed in non-concurrence.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table H. P. 1930, L. D. 1087, resolve creating a Recess Committee on income tax legislation, tabled earlier in today's session by that gentleman pending further consideration.

On motion by Mr. Howes of Charleston, the House voted to insist.

Passed to be Enacted

(Emergency Measure)

(Out of order and under suspension of the rules)

H. P. 1907, L. D. 1091: Bill an act relating to investments for savings banks.

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected

membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-three voting in the affirmative and none in the negative, 123 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Finally Passed

(Out of order and under suspension of the rules)

(S. P. 555) Resolve on the payroll of the Senate.

(H. P. 1931) Resolve on the payroll of the House of Representatives.

Passed to be Enacted

(Out of order and under suspension of the rules)

(S. P. 551) (L. D. 1085) An act relating to the general highway fund.

On motion by Mr. Churchill of Brewer, the House recessed to assemble at the sound of the gong.

After Recess—12:30 P. M.

Called to order by the Speaker.

Mr. SLEEPER of Rockland: Mr. Speaker and Members of the House: I understand that certain things have taken place in the other body and certain bills have got to be acted upon, or just one bill, and the engrossing will take a certain amount of time, and, although we are all anxious to get through, I move that the House recess until two o'clock.

A viva voce vote being taken, the motion prevailed, and the House so recessed.

After Recess—2:30 P. M.

Finally Passed

(Out of order and under suspension of the rules).

(H. P. 1930) (L. D. 1087) Resolve creating a Recess Committee on income tax legislation.

Final Report of the Committee on Appropriations and Financial Affairs.

Final Report of the Committee on Banks and Banking.

Final Report of the Committee on Inland Fisheries and Game.

Final Report of the Committee on Judiciary.

Final Report of the Committee on Legal Affairs.

Final Report of the Committee on Pensions.

Final Report of the Committee on Public Health.

Final Report of the Committee on Salaries and Fees.

Final Report of the Committee on Taxation.

Final Report of the Committee on Ways and Bridges.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

The SPEAKER: The Chair has in its possession a letter received from His Excellency, the Governor, which the Clerk will read.

STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA

To the Speaker and Members of the House of Representatives of the 88th Legislature:

Mrs. Barrows and I wish to convey to each of you our deep appreciation of your sympathy, expressed in so many ways.

Particularly would we extend our sincere thanks for the beautiful tribute of flowers, as well as the Resolutions adopted in both branches of the Legislature.

Much comfort has been derived from so many generous expressions of your friendship.

Sincerely yours,

(Signed) Lewis O. Barrows
Governor

Augusta, Maine

October 29, 1937

On motion of Mr. Payson of Brooks, the letter was ordered placed on file.

The SPEAKER: So far as the Chair knows, there is no further business until the papers or communications from the Senate, which are expected momentarily, arrive.

House At Ease

After Recess, 3 P. M.

The Chair is informed that the resolve creating a Recess Committee on income tax legislation has been finally passed in both branches and approved by His Excellency, the Governor. To that committee, on the part of the House, the Chair appoints Messrs. Newton of Read-

field, Higgins of Ellsworth and Dow of Norway.

At this point 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.

On motion by Mr. Higgins of Ellsworth, it was voted that a message be sent to the Senate informing that body that the House has transacted all business before it and is ready to adjourn without day.

The Clerk conveyed the message to the Senate and subsequently reported that he had performed the duty assigned him.

(Out of order and under suspension of the rules)

From the Senate:

STATE OF MAINE
SENATE
OFFICE OF SECRETARY

October, 20th, 1937.

To Harvey R. Pease,

Clerk of the House of Representatives of the 88th Legislature:

Sir:

Pursuant to Rule 3 of the Joint Rules, this is to inform you that the President has appointed as members on the part of the Senate on the committee created by "Resolve Creating a Recess Committee on Income Tax Legislation," approved October 29th, Senator Tompkins of Aroostook, Senator Wentworth of York.

Respectfully,

(Signed) **ROYDEN V. BROWN**,
Secretary of the Senate.

The communication was received and ordered placed on file.

From the Senate: 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 upon all matters before them and are now ready to receive any communication which he may be pleased to make, S. P. 556.

Comes from the Senate, in that body read and passed, with the following members appointed upon its part: Senators Marden of Kennebec, Graves of Hancock and Maliar of Androscoggin.

In the House, the order was pas-

sed in concurrence, out of order and under suspension of the rules, and the Chair appointed to that committee, on the part of the House, Messrs. Sleeper of Rockland, Parsons of Hartford, Mrs. Latno of Old Town, Paul of Portland, Maheu of Waterville, Everett of Norridgewock and Haskell of Lee.

Mr. Dow of Kennebunkport, moved that the rules be suspended to permit the introduction of an order out of order.

The motion prevailed.

Ordered, that the uniforms procured for the House Employees become their property at the end of their terms of office.

A viva voce vote being taken, the order received passage.

At this point Mr. Sleeper, for the committee to wait upon the Governor, reported that he would present to this body a message forthwith.

The Governor and Council then entered the Hall of the House of Representatives, amid cheers and prolonged applause, the audience rising.

The SPEAKER: His Excellency, the Governor. (Applause)

Governor LEWIS O. BARROWS: Mr. Speaker and Members of the House: I appreciate the fact that this is perhaps not in accordance with time-approved precedent. However, I have such a deep feeling that I desire to come here in person for this very brief final statement, which is as follows:

To the Speaker of the House:

I herewith transmit a list of acts and resolves passed by the Special Session of the Eighty-eighth Legislature.

I have approved twelve acts and four resolves.

I cannot refrain from expressing my belief that you have earned the approbation of the press and the citizens of Maine. Your election to membership in this Legislature indicated the confidence of your constituents. No better evidence is needed that this confidence was not misplaced than your prompt and sensible action during this session. It is a good job well done, and you can return to your homes with the knowledge that the Governor and Council will continue to do their utmost to carry out your program.

Furthermore, I am glad to inform you that I have been advised

by telephone from Washington today that the Old-Age Pension Law which you have enacted is wholly acceptable to the Social Security Board. Very respectfully submitted. (Applause)

Mr. Mosher of Farmington, at 3.24 P. M., moved that the House do now adjourn without day.

The motion prevailed and the Speaker declared the House adjourned without day.