

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, January 27, 1937.

Senate called to order by the President.

Prayer by the Reverend E. Mortimer Gesner of Augusta.

Journal of yesterday read and approved.

From the House: Bill, "An Act Relative to the Deer Isle-Sedgwick Bridge District." (H. P. 314)

In the House, the bill was received by unanimous consent, out of order, read three times under suspension of the rules and passed to be engrossed without reference to a committee.

In the Senate, the bill was received by unanimous consent, out of order, was given its two several readings under suspension of the rules and passed to be engrossed without reference to a committee, in concurrence.

Papers from the House disposed of in concurrence.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Claims

Mr. Graves of Hancock presented "Resolve in Favor of David Stanley of Northeast Harbor." (S. P. 98)

Mr. Worthen of Penobscot presented "Resolve in Favor of Frank Everett of East Corinth." (S. P. 99)

The same Senator presented "Resolve in Favor of Stanley Gerow, of Bangor." (S. P. 100)

Mr. MacKinnon of Oxford presented "Resolve Reimbursing the Town of Mexico for support of Albert Hickey." (S. P. 101)

The same Senator presented "Resolve Reimbursing the Town of Mexico for Support of Bernard Martin." (S. P. 102)

The same Senator presented "Resolve Reimbursing the Town of Mexico for Support of P. T. Gallant." (S. P. 103)

The same Senator presented "Resolve Reimbursing the Town of Mexico for Support of Joseph E. Arsenaault." (S. P. 104)

The same Senator presented "Resolve Reimbursing the Town of Mexico for Support of Amede Gallant." (S. P. 105)

The same Senator presented "Resolve Reimbursing the Town of Mexico for Support of John P. McKenian." (S. P. 106)

Sent down for concurrence.

Education

Mr. Tompkins of Aroostook presented bill "An Act Relating to the Regrouping of School Unions." (S. P. 107)

(500 copies ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

Mr. MacKinnon of Oxford presented bill "An Act Relating to Revocation of Fish and Game Licenses." (S. P. 108)

(500 copies ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Burns of Aroostook presented bill "An Act Relative to Causes for which a Divorce May be Granted." (S. P. 109)

(500 copies ordered printed.)

Sent down for concurrence.

Maine Publicity and Appropriations and Financial Affairs, Jointly

Mr. Burns of Aroostook presented "Resolve Relative to the Participation by the State of Maine in the New York World's Fair, to be Held in the Year Nineteen Hundred and Thirty-Nine." (S. P. 110)

(500 copies ordered printed.)

Sent down for concurrence.

Mercantile Affairs and Insurance

Mr. Fortin of Androscoggin presented bill "An Act Relating to Fraternal Beneficiary Societies." (S. P. 111)

(500 copies ordered printed.)

Sent down for concurrence.

Legal Affairs

Miss Martin of Penobscot presented bill "An Act Authorizing the City of Bangor to Finance Municipal Reconstruction." (S. P. 112)

The same Senator presented bill "An Act Amending the Borrowing Provisions of the Charter of the City of Bangor." (S. P. 113)

Mr. Lewis of Lincoln presented bill "An Act Relating to Entertainments Held on Sunday." (S. P. 114)

Mr. Beckett of Washington presented bill "An Act to Incorporate the Calais School District." (S. P. 115)

(500 copies of each ordered printed.)

Sent down for concurrence.

Public Utilities

Mr. Burns of Aroostook presented bill "An Act Relative to Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire." (S. P. 116)

(500 copies ordered printed.)

Sent down for concurrence.

Miss Martin of Penobscot presented bill "An Act Relating to Issue of Stocks, Bonds and Notes by Public Utilities." (S. P. 117)

(On motion by Mr. Fernald of Waldo tabled pending reference.)

The same Senator presented bill "An Act Relative to the Issuing of Capital Stock by Railroad Corporations." (S. P. 118)

(On motion by Mr. Fernald of Waldo, tabled pending reference.)

Ways and Bridges

Mr. Beckett of Washington presented "Resolve in Favor of the Town of Pembroke." (S. P. 119)

Mr. Graves of Hancock presented bill "An Act Relating to Highways." (S. P. 120)

The same Senator presented bill "An Act Relating to Mount Desert Bridge." (S. P. 121)

(500 copies of each ordered printed.)

Sent down for concurrence.

Orders

On motion by Mr. Ashby of Aroostook, it was

Ordered, the House concurring, that the Secretary of State be directed to furnish each member and officer of the Senate and House with a copy of the latest Maine Register.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

Bill, "An Act to Amend Section One of An Initiated Act Approved by the People at the General Election Held September 14, 1936, Relating to the General Highway Fund, and to Authorize Certain Temporary Use of Said Fund." (H. P. 378)

In the House, read three times under suspension of the rules and passed to be engrossed without reference to a committee.

In the Senate, received by unanimous consent out of order and under suspension of the rules.

Mr. FERNALD of Waldo: Mr. President, I think we are all more or less familiar with this bill and the same will be printed and laid

upon the desks of the Senators before it is ready for final passage.

The bill in substance carries out the spirit of the Governor's inaugural. It has been agreed to by the Maine Automobile Association which sponsored the initiated bill which was ratified by the people in September. In substance what it tries to do, and what it does do, is to make available for the State of Maine and for the officials who have charge of our financial affairs certain funds temporarily which we need, due to the stringent financial condition in which the new administration finds itself left. It applies only for a temporary diversion and it would mean that the state does not have to go out and borrow money and pay interest on it while it has in its own treasury plenty of funds with which to carry on.

Furthermore, we are at present up to our debt limit so, as a matter of fact, it would be impossible for the state to borrow further. This really means a temporary measure to carry us through a temporary financial situation which we, as members of the present legislature, will take care of before we adjourn in March or April.

Thereupon, under suspension of the rules, the bill was given its two several readings without reference to a committee and passed to be engrossed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Goudy.

Mr. GOUDY of Cumberland: Mr. President and members of the Maine State Senate, as a delegate, representing the State, sent to the Third General Assembly of the Council of State Governments by virtue of a Senate order, which Assembly was held in Washington during the past week, it now becomes my pleasure and duty to report the purposes of said Council and the proceedings and definite recommendations of said Assembly.

First, may I explain that the Council of State Governments, which has been organized by seventeen states, to wit: Alabama, Colorado, Florida, Indiana, Kentucky, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia and West Virginia, is primarily concerned with those governmental problems over which the federal government has no jurisdiction.

It seeks to develop better coordination and more active cooperation between groups of states in the various regions of the United States, and also between the forty-eight states as a whole. It seeks to bring the state governments into better adjustment with the federal government and with county and city governments.

It believes that the forty-eight states of the Union, spread over an area of three million square miles, governing a hundred and twenty million persons, headed by forty-eight governors, controlled by seven thousand five hundred legislators, administered by tens of thousand of officials, cannot hope for harmony without organization; that inevitable changes have come; that the fundamental pattern of states, united for the benefit of all the people, remains the same as it was when the founding fathers wove it; that the far-flung tapestry of our many governments has stretched so taut that the fabric has weakened; that the essential thread of cooperation too often is lacking; that it was meant that the states, while creating a nation, should yet preserve their own sovereignty in a maximum of self-government. But now if the claim of state's rights is to prevail, it must be justified by a demonstration of state's competence.

The Council further believes that according to present indications we will be subject to extreme federalization within a short time. If we are not, it can only be because the states are on the verge of cooperating with each other as they have never cooperated before. The Council further points out that in thousands of instances the laws of the various states are in conflict, their practices are discordant, their regulations are antagonistic, and their policies are either competitive or repugnant to one another. In taxation alone, scores of conflicts between federal and state laws exist. The interstate criminal is a standing headline on page one of every newspaper. The forty-eight states pass laws on crime, labor, taxation, relief, corporations, parole, domestic relations and other questions momentous to our social and economic system, with no thought of harmony. And this discord has been further stitched into our pattern of life by all other agencies possessing the power of legislation. This is not as it should be. The

trend of federal state projects, exemplified by Social Security, demands immediate action if those projects are to succeed completely.

Our officials should conduct their own governments properly. But the Council believes that they must act with earnest regard also to the other units of government. The bond of good will in the line of communication which connects our many interdependent governments must be immeasurably strengthened. Through established agencies of cooperation, through uniform and reciprocal laws and regulations, through compacts under the constitution, through informal collaboration and through all other means possible, our nation, our states and our localities must fuse their activities with a new fervor of national unity. The Council of State Governments, as representative of the officers of government, does solemnly pledge its loyal support to the accomplishment of such purposes.

The Council of State Governments compiles information for the following organizations: The Governor's Conferences; The American Legislators Association; The National Association of Attorney Generals; The National Association of Secretaries of State; The Tax Revision Council; The Interstate Commission on Conflicting Taxation; The Interstate Commission on Crime; The Interstate Commission on Social Security; and The Interstate Commission on the Delaware River Basin; and serves as the official clearing-house for the American Legislators Association, The National Association of Attorney Generals, and The National Association of Secretaries of States.

Every one of the forty-eight states was represented at the Assembly and it might be well to state at this juncture that the states of Maine and Louisiana were the only states to send only one delegate; New York sending the greatest number of delegates, ninety-one. Many committee meetings were held, at which the subjects of conflicting taxation, council development, crime, social security, and many others were discussed.

The Assembly was attended and addressed by some of the outstanding statesmen of the country, among whom were Senator T. V. Smith, of Illinois; Hon. Paul V. McNutt, for-

mer governor of Indiana, and president of the Council of State Governments; Gov. Robert E. Quinn of Rhode Island; Hon. Homer S. Cummings, Attorney General of the United States; Judge Richard Hartshorne of New Jersey, Chairman of the Interstate Commission on Crime; William J. Ellis of New Jersey, chairman of the Interstate Commission on Social Security; Hon. John G. Winant, chairman of the Federal Social Security Board and former president of the Council of State Governments; Gov. Robert L. Cochran of Nebraska; Senator Henry Parkman, Jr., of Massachusetts; Louis Brownlow, director of the Public Administration Clearing House; City Manager Clarence A. Dykstra of Cincinnati; Senator Henry W. Toll, executive director of the Council of State Governments; Vice President John Nance Garner; Raymond T. Nagle, former Attorney General of Montana, who substituted in place of Clyde R. Chapman, former Attorney General of Maine, who was not present; Hon. Henry R. Wallace, Sec. of Agriculture; Hon. Frederic A. Delano, chairman of the Advisory Board of the Committee; Hon. Harold C. Ostertag of New York; Hon. Thomas A. Logue of Pennsylvania; Gov. Cary W. Hardee; Sen. Weiss of Indiana; Hon. Theodore Damman of Wisconsin; Sen. Seabury C. Mastick of New York; Congressman Robert L. Doughton; Gov. George H. Earl of Pennsylvania and Gov. Gordan Browning of Tennessee.

Many of the speeches were broadcast over the Mutual, National and Columbia Broadcasting Systems. I have with me most of the mimeographed speeches which those of you who care to may peruse.

The Assembly took definite action on several matters. It passed resolves heartily endorsing the principles of the Uniform Act on Fresh Pursuit of Criminals Across the State Line, The Uniform Criminal Extradition Act, The Uniform Act to Secure the Attendance of Witnesses From Without a State in Criminal Proceedings, The Uniform Act for Out of State Parole Supervision several resolves pertaining to social security legislation, flood control, etc.

The resolves as passed and the bills as drawn for passage by the various legislatures are all here for

your observation, study and passage, if you so desire. Of course it would be useless for me to relate in detail the entire proceedings of the Assembly, or to read in full the various resolves passed, and the bills as drawn for passage. To do so would take a much longer time than anyone of you would care to listen, and I think you will agree with me that it will be much more satisfactory to you if you are allowed to read them yourselves. They are all here for that purpose. I also have with me considerable literature and the addresses of the speakers for you to look over.

In closing I would like to say with all sincerity that I believe the Council of State Governments is performing a wonderful work and is deserving of a lot of credit and cooperation. It is an extremely worth while organization. It might be well at this time to note that Maine has the unique distinction of being the only state in the Union which has not passed by vote of its legislature a resolve commending the organization of the American Legislators Association as a legitimate and constructive effort.

I have with me a resolve, which you may look over, similar to the one passed in other states, for the passage by this legislature, if it sees fit. I have also a bill passed by the Council for action by the legislature, if the legislature desires to take such action, proposing affiliation with the Council of State Governments and establishing an unpaid commission on interstate cooperation. If there is any information that the Senate, or any member thereof, desires, I will be glad to answer any questions concerning any of the above matters, or on the work of the Council as a whole.

I want to express my appreciation at this time to the Senate for making it possible for me to attend this Assembly and for the confidence shown in me by the President as evidenced by my appointment, and I sincerely hope that the data and information that I obtained and have here will convince the Senate that for the benefit of the state its decision in sending a delegate to said assembly was justified.

(Emergency Measure)

"An Act Relative to the Deer Island-Sedgwick Bridge District." (H. P. 314) (L. D. 102)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

Mr. FERNALD of Waldo: Mr. President, I think that at this time it would be well—and I so move—that we express our appreciation for the fine report given by the Senator from Cumberland, Senator Goudy, and for his efforts in time and money spent in going to Washington to attend this conference. I feel that the material which he has brought back will be very valuable to the members of the Senate during the next few weeks of our session and I am sure that we are all deeply gratified with this splendid report and the material given to us.

The motion prevailed.

On motion by Mr. Fernald of Waldo the Senate voted to take from the table An Act Changing the Time for Weir Fishing for Salmon (L. D. 34), tabled on January 26,

by that Senator pending reference; and that Senator yielded to the Senator from Hancock, Senator Graves.

Thereupon, on motion by Mr. Graves of Hancock the bill was referred to the Committee on Sea and Shore Fisheries and Inland Fisheries and Game jointly.

On motion by Mr. Friend of Somerset the Senate voted to take from the table An Act Relating to the Incorporating of Cemeteries and the Operation of Burying Grounds, Burial Structures, and the Disposal of Dead Human Bodies (L. D. 27), tabled on January 19 by that Senator pending reference; and on further motion by the same Senator the bill was referred to the Committee on Public Health.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Fortin of Androscoggin

Adjourned until tomorrow morning at ten o'clock.