

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**

SENATE

Wednesday, October 27, 1937.

Senate called to order by the President.

Prayer by the Rev. Herbert E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

The following bill was received and on recommendation by the Committee on Reference of Bills, was referred to the following committee:

Public Utilities

Bill, "An Act Authorizing Districts, Cities, Towns, and Plantations to Establish, Acquire, Own and Operate Public Utilities". (S. P. 543) (L. D. 1075)

(500 copies ordered printed.)

Sent down for concurrence.

Order

On motion by Mr. Ashby of Aroostook, it was

ORDERED, the House concurring, that free telephone service during the present Special Session be provided for each member and officer of the Senate and House, to the number of five calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the House and Senate be provided with a card, to be certified to by the Secretary of State or his deputy. The cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 545)

Sent down for concurrence.

From the House, out of order:

Bill "An Act to Provide for Old Age Assistance; to Guarantee a Minimum Educational Program and to Provide Revenue Therefor." (H. P. 1903) (L. D. 1078)

In the House, referred to the Committee on Appropriations and Financial Affairs, with instructions to report thereon not later than 4 P. M. today. 1000 copies ordered printed.

In the Senate

Mr. WALSH of Androscoggin: Mr. President, may I inquire if that report at four o'clock is to be a full committee report "ought to pass" or "ought not to pass" in regard to the bill?

The **PRESIDENT**: The Chair

will state that the committee might report either way, or with a new draft, or with amendments.

Mr. WALSH: Mr. President, I wish to say I am heartily opposed to any such move as this. I may be wrong but I think this is a so-called session of the legislature and not a session of the governor and executive council. A session of the legislature generally is presumed to allow the people of the State of Maine to come before it and express views and opinions through an orderly and organized procedure, through a committee. This procedure is evidently to be dispensed with for the well-known steam rolling process.

We hear a lot of talk about dictatorship in federal government but I see now where our governor is adopting the same procedure. I see no reason whatsoever for our going through with any such farcical procedure as this. There are people in the state of Maine who wish to be heard on it. They have called me and said they wished to be heard. There are organizations that wish to be heard. For instance, there is no new legislation to be introduced after three o'clock this afternoon so I might suggest to the Republican majority here in the Senate that they arrange to introduce sufficient and reasonable legislation to take care of old age pensions.

Under date of October 23rd I had a letter from Mr. Leadbetter. It was signed by Mr. James Atwood, an accountant in the department, in which he says that there are at the present time 20,000 people in the State of Maine eligible for old age assistance; yet the program advocated by the governor's message yesterday has provided, on a sliding scale upwards, to June 1939 for only 13,700 people. So two years from now you would still have approximately 7,000 people in the state of Maine not getting old age assistance. You are railroading a program through this afternoon which attempts to take care of only two thirds of the people and two years from now you will have 7,000 people still eligible for old age assistance. If you want to railroad this through, I cannot stop you nor can the minority of the Senate, but as I said to you six months ago, they are catching up with you rapidly and are almost caught up with you now.

Mr. CORRIGAN of Washington: Mr. President, I wish to express my opinion on the same subject. As I understand it, public hearings will be held today and tomorrow and I, as a believer in democratic government, feel that the people have a right to be heard on these bills and that we should not come in here and jam these things through without giving the people an opportunity to be heard.

We hear much about President Roosevelt dictating to Congress but I haven't read in the papers or anywhere that President Roosevelt ever came in and handed a bill to the leaders of the House in Washington as our governor did yesterday. He said in his message yesterday that he had already drawn up a bill to present to the members of the House and Senate, and he did so. I, for one, have no wish to stay here any more than the rest of you have. I have a living to make and business to attend to but rather than proceed in any such way as this I am willing to stay here all this Fall. I am opposed to this method of railroading this bill through without allowing the people to have anything to say about it.

If the "powers that be" in this legislature wish to put this through I suppose that, as Senator Walsh says, it cannot be stopped. This program presented by the Governor means just a slashing of departments and permanently laying off those employees in the lower paid brackets. If the majority of the legislature and our Governor are really sincere in desiring to relieve the pressure on the people of the state they should advocate and enact an income tax measure to take care of old age pensions and the equalization educational bill which would bear only on those in the higher paid brackets who can afford to pay it. People with large incomes can stand the payment of a part of their income and still get along all right and if the Governor were sincere in his program yesterday—he said that the power companies had volunteered a reduction of five hundred thousand dollars in rates for the benefit of the taxpayers of the state of Maine but if I remember correctly the Public Utilities Commission ordered that reduction—but at any rate, if he were to take this bill that I introduced at our last regular session

and have again introduced in this one, which gives the municipalities the right to go into the power business in competition with the two big power companies of this state, the Bangor Hydro-Electric Company and the Central Maine Power Company, it would have the same results for domestic rates as in those places where they are getting a cheaper rate of anywhere from three-quarters of a cent to a cent and a half or two cents instead of paying an average rate of five or six cents as we do here in Maine.

Mr. President, I am opposed to this procedure and shall vote against it.

Thereupon, the bill was referred to the Committee on Appropriations and Financial Affairs, with instructions to report thereon not later than four P. M. today, and 1000 copies ordered printed, in concurrence.

From the House, out of order:

Bill "An Act Relating to Enforcement of the Liquor Laws." (H. P. 1906) (L. D. 1080)

In the House, referred to the Committee on Legal Affairs, with instructions to report thereon not later than four P. M. today, and 500 copies ordered printed.

In the Senate:

Mr. WALSH of Androscoggin: Mr. President, in regard to the liquor bill, I still reiterate my previous position because I believe this is a very interesting bill on which a lot of people and organizations should be heard, especially in view of the fact that in the list of economies submitted by the Governor and council, I find no reference whatsoever to the Liquor Department or Liquor Commission, one of the largest and most profitable departments in the state. It may be political patronage is concentrated in the Liquor Department and several people might lose their jobs, and I imagine if we had a public hearing the results would be very interesting, but I suppose it will be railroaded through like the other bills, so we will just accept it.

Thereupon, the bill was referred to the Committee on Legal Affairs, with instructions to report thereon not later than four P. M. today, and 500 copies ordered printed, in concurrence.

Papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

The PRESIDENT: If there is no further business to come before the Senate at this time, the Senate will recess until this afternoon at four-thirty o'clock.

After Recess

The Senate was called to order by the President:

From the House, out of order:

Joint Order relating to telephone service. (S. P. 545)

(In the Senate, earlier in today's session, read and passed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, that Body voted to recede and concur with the House in the indefinite postponement of the order.

From the House, out of order:

The Committee on Appropriations and Financial Affairs on bill, "An Act to Provide for Old Age Assistance; to Guarantee a Minimum Educational Program and to Provide Revenue Therefor." (H. P. 1903) (L. D. 1078) reported that the same ought to pass.

In the House, the report was read and accepted and under suspension of the rules the bill was given its three several readings and passed to be engrossed as amended by House Amendment "A".

In the Senate:

Mr. MALLAR of Androscoggin: Mr. President, I'd like to say just a few brief words before voting on this particular measure. As a member of the minority party, I knew nothing of the measure before listening to the Governor last night, but last evening I made up my mind that this particular measure was not a party issue. I feel that the old people of this state should be taken care of. I feel, on this plan of the Governor's, that it is a plan for taking care of these old people without taxing the people to death, with the exception of a small increase in the liquor tax of five percent; so I want to go on record here and now as being in favor of the Governor's plan which will give the old people, the aged of Maine, somewhere around 14,000 of them, something to look forward to.

I hope the people of Maine and of my home town will understand this legislature is trying to back the Governor in his plan to do the right thing. If it is a failure, the Governor will certainly be responsible because I believe the legislature is back of him one hundred percent.

Mr. CORRIGAN of Washington: Mr. President, I wish to state my position on this bill. I believe in taking care of the old people, absolutely. I believe and have believed that the funds for taking care of the old people should come from an income tax. It should come from those in the state who can afford it, those who have a large income—and a great many do not earn it—and I think those are the people who should be taxed to support this movement. I am not at all satisfied with this bill as it comes up here not by any means, but I intend to vote for it with that understanding. It is the best there seems to be at the present time and there would be no chance of getting anything else through here, but I think the funds for the program should come from those who can afford to pay and not by a reduction of wages, probably of departmental employees or the laying off of a good many of those who are barely getting along now. Naturally, I think it is where the funds will come from. When this is simmered down and the legislature has gone home they will begin dumping out the little stenographers and the men who are getting small salaries and there will be no heads of departments cut, and the Liquor Department will not be affected because it will go along as it stands now and all the good, faithful boys throughout the state will have been rewarded and will not be touched because that department is one hundred percent okay. But I insist the funds for this purpose should come from a straight income tax which several other states have got and they find the plan works all right.

Thereupon, the "Ought to Pass" report of the committee was accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence.

Mr. Walsh presented Senate Amendment "A" and moved its adoption:

"Senate Amendment "A" to bill, An Act to Provide for Old Age Assistance to Guarantee a Minimum Educational Program and to Provide Revenue Therefor (L. D. 1078). Amend said bill by striking out the words 'be determined by the Governor and Council' in the last sentence of the first paragraph of Section 4-A, Title II, and inserting in place thereof the following words: 'not exceed the sum of \$7500 per year for the three Commissioners.'"

Mr. WALSH: Mr. President, in going over this bill as presented by Mr. Hill in the House, I assume that Mr. Hill in drawing up the bill—I assume it is his bill as his name is attached—made the error or overlooked the fact that no specific salary was stipulated. Now when we start talking economy let's make it plain. We were over here sixteen weeks last winter and there was a lot of economy talked. Practically the only support the economy plan had was the vote of the Democratic minority here in the Senate. Now we come with this bill with a blanket authority or endorsement to the Governor and Council to employ three men and to pay them whatever they please to administer this act. Last year the act was administered through the office of the Health and Welfare Department, supervised by Mr. Leadbetter, and there were no large salaries paid. Now, it seems, the gravy bowl is getting empty again and we have got to have three high priced commissioners. You talk about bureaus in Washington! The only thing accomplished in this session is the setting up of another bureau without limiting the amount of salary to be paid these commissioners. The people of Maine sent us here last winter to practice economy and they have sent us back here now. How much will the commissioners be paid? \$5,000, \$6,000, \$7,000 or \$10,000 a year? Possibly. You are going home and giving them a blanket endorsement to vote any amount of money they want paid to the three commissioners. They can pay them whatever they please. It doesn't do any good to protest because the minority is always wrong. I do not protest because I am a Democrat. I would protest if a Democrat brought it in. I protest against the whole procedure. As I told you this morning, we are assembled, not only

as a legislature but as a general court, a general court of the people, where the people ought to be allowed to come and be heard, and you have denied the people the right to be heard. The legislative procedure calls for advertising hearings. You can hold this thing over for a couple of days and have a hearing for the sake of political expediency. In the words of the distinguished senator from Bangor, Senator Martin, in her speech in New York, I believe it was, may I suggest that this legislature and its governor be "more efficacious and more orchidaceous" to transfer the proverb.

Mr. HUSSEY of Kennebec: Mr. President, I move the indefinite postponement of this amendment.

Mr. WALSH: Mr. President, I ask for a roll call.

The PRESIDENT: The question before the Senate is on the indefinite postponement of Senate Amendment "A" to Legislative Document 1078 and the Senator from Androscoggin, Senator Walsh, has asked for a roll call. Before a roll call may be ordered the affirmative vote of one-fifth of the members present is necessary. Is the Senate ready for the question?

A division of the Senate was had. A sufficient number obviously not having risen a roll call was not ordered.

The PRESIDENT: The question before the Senate is now upon the indefinite postponement of Senate Amendment "A." Is the Senate ready for the question?

A viva voce vote being had, Senate Amendment "A" was indefinitely postponed.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House, out of order:

The Committee on Legal Affairs on bill, "An Act Relating to Enforcement of the Liquor Law," (H. P. 1906) (L. D. 1080) reported that the same ought to pass.

In the House, the report of the committee was accepted and under suspension of the rules the bill was given its three several readings and passed to be engrossed.

In the Senate, the report of the committee was accepted in concur-

rence and the bill was given its first reading.

Thereupon, on motion by Mr. Ashby of Aroostook, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

From the House, out of order:

The Committee on Judiciary on bill, "An Act Amending the Law Relating to Unemployment Compensation," (H. P. 1904) (L. D. 1079) reported that Committee Amendment "A" be adopted and the bill as amended ought to pass.

In the House, the report of the committee was accepted and under suspension of the rules, the bill was given its three several readings and passed to be engrossed as amended by Committee Amendment "A."

In the Senate, the report was accepted in concurrence and the bill was given its first reading.

Committee Amendment "A" was read: "Committee Amendment A to Legislative Document 1079. Amend said bill by adding to the end thereof the following: 'Emergency Clause. In view of the emergency set forth in the preamble this act shall take effect when approved.'"

Thereupon, Committee Amendment "A" was adopted in concurrence and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

From the House, out of order:

The Committee on Ways and Bridges on bill "An Act Providing for the Reduction in Fees for Registration of Motor Vehicles," (H. P. 1902) (L. D. 1077) reported that the same ought to pass.

In the House, the report was accepted and under suspension of the rules, the bill was given its three several readings and passed to be engrossed as amended by House Amendment "A."

In the Senate:

MR. WALSH: Mr. President, I have had several inquiries about this bill. In fact, it seems a lot of people throughout the state cannot understand why, with no clamor and no demand, we suddenly come through with a decrease of five percent in automobile registration fees. To the individual automobile owner that means practically nothing. Coming down to cases, might

it not be possible that the pressure was put on in the right place with certain combines of trucking interests and large operators of fleets and certain public utilities which operate bus fleets in order to reduce the amount of license fees they pay? Might it also be a sock thrown to certain individuals who have been advocating a reduction in property tax to rather offset the agitation for an income tax? I realize this will pass and I will vote for it but I think possibly it might be well to present some reason why this reduction was brought forward at this time.

Thereupon, the report was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

Mr. Hussey of Kennebec, out of order and under suspension of the rules, presented Resolution of Respect on the death of the late Councillor Herbert E. Wadsworth. (S. P. 552):—

"Resolution. Whereas, the members of the Senate and House of Representatives of the Eighty-eighth Legislature have learned with deep sorrow of the death of the Honorable Herbert E. Wadsworth, late a member of the Executive Council, and

Whereas, by his decease the State of Maine has suffered the loss of a public-spirited citizen and benefactor and the state government the valuable services of a man well qualified to hold high office, now, therefore

Be it resolved by the Senate and House of Representatives that the state of Maine mourns the decease of the late Herbert E. Wadsworth, 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.

Sent down for concurrence.

The following bills and resolves were received, out of order, and

under suspension of the rules, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Legal Affairs

Bill "An Act Relating to the sale of Alcohol." (S. P. 549)

Bill "An Act Relating to Insurance Agents." (S. P. 548)

Bill "An Act Creating the Port of Northeast Harbor Authority." (S. P. 547)

Bill "An Act to Provide for the Surrender by Town of Edmunds of its Organization." (S. P. 544)

(500 copies of each ordered printed.)

Sent down for concurrence.

Salaries and Fees

Resolve Authorizing Compensation for George E. Googins, of Bar Harbor." (S. P. 550)

(500 copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

Bill "An Act Relating to the General Highway Fund." (S. P. 551)

(500 copies ordered printed.)

Sent down for concurrence.

Legal Affairs

"Resolve Changing the Name of Jordan's Island." (S. P. 546)

Sent down for concurrence.

Orders of the Day

On motion by Mr. Willey of Cumberland, the Senate voted to reconsider its former action taken earlier in today's session whereby bill An Act Authorizing Districts, Cities, Towns, and Plantations to Establish, Acquire, Own and Operate Public Utilities" (S. P. 543) (L. D. 1075) was referred to the Committee on Public Utilities and 500 copies ordered printed.

MR. WILLEY of Cumberland: Mr. President, I am well aware of the sincerity of purpose of the gentleman who introduced this measure and am also well aware of the sincerity of purpose of the members of the other branch of the legislature who feel there is merit in this measure, and I am also aware that a measure so nearly similar to this it can hardly be distinguished, was introduced in our last regular session of the legislature, at which time it was given full and open hearing and at that time the legis-

lature voted that it would be inexpedient to adopt that type of legislation in the State of Maine. I am also well aware of the fact that it is costing the state nearly \$1,750 a day to keep this legislature here which was called for the sole purpose of relieving our aged in need and helping our schools in dispair. Taking those matters into consideration and also having in mind the sincerity of the man who introduced this measure, I move you, Mr. President, that this measure be referred to the next legislature.

MR. CORRIGAN: Mr. President, I want to thank Senator Willey for giving me credit for being sincere. It is more credit than he gave me last year in the hearing before his committee. I am improving. I am glad to know that. The Senator (Senator Willey) speaks of \$1,700 a day. It is a lot of money, undoubtedly. I think this bill should go through. However, I know the pressure and I know the utility people have their lobbyists and they are running around here now with their eyes on the boys. That is all right and I understand it. But \$1,700 a day could be saved by the people of this act should become a law. If we passed this act to give municipalities the right to go into the power business, the very fact it was on the statute books of the state would almost automatically reduce our present electricity rates which are very high, some of the highest in the country. The rates charged in the State of Maine compared with the Province of Ontario where they own their own power plant, the people of Maine are paying each year between five and six million dollars more than they pay for similar service in the province of Ontario, and a similar amount in Tacoma, Washington, and a lesser amount on the T. V. A. down south. So it would be a great saving to the people of Maine if this bill were permitted to go through. But as I said before, the pressure is too great. The greatest menace, as Senator Norris of Nebraska, probably one of the greatest men this country has produced for a generation, has said, "the greatest menace we have today for American liberty is the activity of the power trust." Why, when you think of the holding company act passed by the last Congress, when you think of the money they expended to fight that

one act, when you think of the things they did, Mr. President, the record shows thousands upon thousands of fake telegrams and forged letters were sent to the committee in Washington purporting to come from citizens of the various sections of the country. That is what you are up against in Maine. This bill won't get by here but there will come a day when that bill or one similar to it which will not come from me but will come from someone else, will appear and you will be glad to vote for it.

Mr. WALSH: Mr. President, I wish to congratulate the Republican party upon the apparent harmony and leadership that seems to have suddenly descended upon this Legislature, leadership that was so sadly lacking in the regular session that it led the Legislature in forty-seven different directions and ended in no place, leadership that ended up with a sales tax which was attempted to be jammed down the throats of the people of Maine.

Now, economy is being talked again, an economy of seventeen hundred dollars a day. Where were your leaders practising economy at the regular session? Maybe they were in Washington at the time and had to arrange to come back and sit behind the scenes and pull

the strings as they have been pulling them for the last few days.

It is all right to talk about referring bills to the Eighty-ninth Legislature or indefinitely postponing them but any bill referring to the public ownership of public utilities is just as important as a bill to change the name of Ram Island or Goose Island off the coast of Maine, and I for one strenuously object to postponing any bill referring to the public utilities of the State of Maine. I demand, and I think I am entitled to demand in behalf of the people of the State of Maine who sent me over here, that such bills receive a hearing.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Willey, that Legislative Document 1075, An Act Authorizing Districts, Cities, Towns and Plantations to Establish, Acquire, Own and Operate Public Utilities be referred to the next Legislature.

Mr. WALSH: Mr. President, I ask for a roll call.

A division of the Senate being had, a roll call was not ordered.

Thereupon, a viva voce vote being taken, the bill was referred to the Eighty-ninth Legislature.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at ten o'clock.