

# 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**

**SENATE**

Friday, October 29, 1937.

Senate called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

**Joint Order**

(Out of Order)

On motion by Mr. Hussey of Kennebec, it was

Ordered, the House concurring, that a sum not exceeding fifty dollars be paid committee clerks for services during this special session according to the schedule approved by the Committee on Appropriations and Financial Affairs and filed with the controller.

Sent down for concurrence.

Mr. Hussey of Kennebec, out of order and under suspension of the rules presented

“Resolve on the Pay Roll of the Senate.” (S. P. 555)

Which resolve was received by unanimous consent, given its two several readings under suspension of the rules and without reference to a committee, and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair has been informed that Governor Barrows desires to present a communication or message to the Senate in person at this time and if there is no objection the Chair will name as a committee of one to escort the Governor to the Senate at this time, the Senator from Penobscot, Senator Martin. If there is no objection that Senator will attend to her duties forthwith.

Miss Martin of Penobscot retired from the Senate Chamber to attend to the duty assigned her.

Subsequently, Miss Martin returned to the Senate Chamber escorting the Governor, the Honorable Lewis O. Barrows, amid the applause of the Senate, the Senators rising.

Thereupon the Governor addressed the Senate as follows:

“Mr. President and members of the Senate, I recall that during the last regular session an order was passed and submitted to me to provide a certain piece of furniture.

At that time the only reason that the order was not fulfilled was that we were uncertain as to whether or not the piece of furniture was solid and substantial, but having been seasoned all summer I am now convinced that it is perfectly in order and I would like at this time to present the chair. The tag bears the name of Senator Fernald. (Presenting chair) Very glad to do it, Senator.”

Mr. FERNALD: Thank you, sir.

Thereupon, the Governor retired amid the applause of the Senate, the Senators rising.

From the House, out of order:

“Resolve on the Pay Roll of the House of Representatives.” (H. P. 1931)

In the House, the resolve was received by unanimous consent and under suspension of the rules was passed to be engrossed without reference to a committee.

In the Senate, the resolve was received by unanimous consent and under suspension of the rules was given its two several readings and passed to be engrossed in concurrence.

From the House, out of order:

The Committee on Banks and Banking on bill “An Act Relating to Investments for Savings Banks,” (H. P. 1907) (L. D. 1091) reported that Committee Amendment “A” be adopted and the bill as amended be passed.

In the House, the report of the committee was accepted, and the bill as amended by Committee Amendment “A” and House Amendment “A” was passed to be engrossed under the suspension of the rules.

In the Senate, the report of the committee was accepted in concurrence, and the bill given its first reading. “Committee Amendment A to Legislative Document 1091. Amend said bill by adding thereto the following clause: ‘Emergency Clause. In view of the emergency set forth in the preamble, this act shall take effect when approved.’ ”

Committee Amendment “A” was adopted in concurrence and House Amendment “A” was read and adopted in concurrence.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

From the House, out of order:

Bill "An Act Relating to the General Highway Fund." (S. P. 551) (L. D. 1085)

(In the Senate on October 28th passed to be engrossed.)

Comes from the House, having been passed to be engrossed on October 28th. On October 29th, engrossing reconsidered, House Amendment "A" offered and adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the Senate, that Body voted to reconsider its former action, taken on October 28th, whereby the bill was passed to be engrossed, and on motion by Mr. Friend of Somerset, House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

#### Finally Passed

"Resolve Relating to the Road from Brownville to Millinocket." (H. P. 1916) (L. D. 1089)

#### (Emergency Measure)

"An Act to Provide for the Surrender by Town of Edmunds of its Organization." (S. P. 544) (L. D. 1084)

Which bill being an emergency measure, and having received the affirmative vote of 24 members of the Senate, and none opposed, was passed to be enacted.

#### (Emergency Measure)

"An Act Creating the Port of Northeast Harbor Authority." (S. P. 547) (L. D. 1086)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed, was passed to be enacted.

#### (Emergency Measure)

"An Act Relating to the Sale of Alcohol." (S. P. 549) (L. D. 1082)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed, was passed to be enacted.

#### (Emergency Measure)

"An Act to Provide for the Surrender by Town of Albany of its organization." (H. P. 1910) (L. D. 1102)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of

the Senate, and none opposed, was passed to be enacted.

#### (Emergency Measure)

"An Act Relating to the Purity of the Drinking Water Supplied to North Windham." (H. P. 1924) (L. D. 1109)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed, was passed to be enacted.

#### (Emergency Measure)

"An Act to Appropriate Money for the Expenses of State Government and Other Purposes for the Fiscal Years Ending June 30th, 1938 and June 30, 1939. (H. P. 1932)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed, was passed to be enacted.

### Communication

#### EXECUTIVE DEPARTMENT

Augusta

October 29, 1937.

To the President and Members of the Senate of the Eighty-eighth 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,

LEWIS O. BARROWS.

Which was read and placed on file.

The PRESIDENT: The Senate will recess to respond at the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

From the House, out of order:

Joint order, relative to return of bills and resolves from the Committees to the branch of the Legislature in which said bills and resolves were introduced. (S. P. 554)

(In Senate 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:

"Resolve Creating a Recess Committee on Income Tax Legislation." (H. P. 1930) (L. D. 1087)

(In Senate on October 28, indefinitely postponed in non-concurrence.)

Comes from the House, that body having voted to insist on its former action whereby the resolve was passed to be engrossed.

In the Senate:

Mr. BLANCHARD of Franklin: Mr. President, I move that the Senate recede and concur with the House.

Mr. POTTER of Penobscot: Mr. President, I have no serious objection to the committee being appointed. I might say that the Grange and a few other organizations had made definite arrangements to have an initiative referendum to be voted on at the next September election, which would come before this committee might report. We shall proceed with that and that was one of the reasons why I objected to it, and then again, I feel the expense would not be necessary under those conditions. So while I have no serious objection to a committee being appointed, I do feel it is money wasted in making that appointment.

Mr. CORRIGAN of Washington: Mr. President, I feel as Senator Potter does in this matter and I have been talking with labor leaders in the state and representative of the American Federation of Labor here at this session and I understand that he and the labor people are not in favor of a recess commission and they feel they would rather go along as the Senator from Penobscot, Senator Potter, has explained, on a referendum and initiative rather than having a recess committee appointed by this body.

Mr. SEWALL of Sagadahoc: Mr. President, as a member of the Committee on Taxation, having gone over it last winter, it seems to me this is a very worth while study. At least, I felt last winter that we really did not have enough real in-

formation to go on to justify taking definite legislation on this matter. I also felt and I still feel that the bills that were put in had not really been refined sufficiently to act on them, and as I understand this recess committee to be appointed would really determine and definitely establish better figures and statistical data to base the decision on and to define the law. I think it is a desirable piece of legislation. I hope the motion to recede and concur will prevail.

Mr. WALSH of Androscoggin: Mr. President, the Senator from Sagadahoc, Senator Sewall, has ably defined the purpose of the recess committee, to so refine the proposition that when it comes in here it will be so innocuous it will amount to nothing at all.

Mr. SEWALL: Mr. President, I think the Senator from Androscoggin, Senator Walsh, is out of order.

Mr. WALSH: My mistake, Senator Sewall.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the senator from Franklin, Senator Blanchard, that the Senate recede and concur with the House.

Mr. CORRIGAN: Mr. President, I ask for a division.

A division of the Senate was had. Seventeen having voted in the affirmative and nine opposed, the motion to recede and concur prevailed.

Thereupon, under suspension of the rules the resolve was given its two several readings and passed to be engrossed in concurrence.

The PRESIDENT: The Chair has been informed that some committees have not filed final reports at this special session of the legislature. Will such committees as have not already done so kindly furnish the Secretary with reports as soon as possible?

**Passed to be Enacted**

"An Act Relating to the General Highway Fund." (S. P. 551) (L. D. 1085)

**Finally Passed**

"Resolve on the Pay Roll of the Senate." (S. P. 555)

"Resolve on the Pay Roll of the House of Representatives." (H. P. 1931)

**(Emergency Measure)**

Bill "An Act Relating to Invest-

ments for Savings Banks." (H. P. 1907) (L. D. 1091)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate, and none opposed, was passed to be enacted.

### Reports of Committees

(Out of Order)

Mr. Fernald from the Joint Standing Committee on Judiciary, in behalf of that committee submitted its final report.

Mr. Friend from the Joint Standing Committee on Ways and Bridges, in behalf of that committee submitted its final report.

Mr. Spear from the Joint Standing Committee on Salaries and Fees, in behalf of that committee submitted its final report.

Miss Martin from the Joint Standing Committee on Legal Affairs, in behalf of that committee, submitted its final report.

Mr. Hussey from the Joint Standing Committee on Appropriations and Financial Affairs, in behalf of that committee submitted its final report.

Mr. Blanchard from the Joint Standing Committee on Banks and Banking, in behalf of that committee submitted its final report.

Mr. Worthen from the Joint Standing Committee on Inland Fisheries and Game, in behalf of that committee submitted its final report.

Mr. Owen from the Joint Standing Committee on Public Health in behalf of that committee submitted its final report.

Mr. Blanchard from the Joint Standing Committee on Taxation in behalf of that committee submitted its final report.

Which reports were severally read and accepted.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo,

Recessed until 1:30 this afternoon.

### After Recess

Senate called to order by the President.

### Finally Passed

"Resolve Creating a Recess Committee on Income Tax Legislation." (H. P. 1930) (L. D. 1087)

### Report of Committee

(Out of Order)

Mr. Burkett from the Joint Standing Committee on Pensions, in behalf of that committee presented its final report.

Which report was read and accepted.

Sent down for concurrence.

The PRESIDENT: The Senate will take a short recess to respond at the sound of the gavel.

### After Recess

Senate called to order by the President.

The PRESIDENT: By virtue of a resolve which has been finally passed in both branches of the legislature and signed by the Governor, the Chair has been directed to name two members on the part of the Senate as members of the Recess Committee to study the State Income Tax matter and the Chair wishes to announce at this time that he has appointed as the two Senate members of that committee, the Senator from Aroostook, Senator Tompkins and the Senator from York, Senator Wentworth.

### Communication

STATE OF MAINE

HOUSE OF REPRESENTATIVES

Office of Clerk, Augusta

October 29th, 1937.

To Royden V. Brown, Secretary of the Senate, of the 88th Legislature:

Sir:

Pursuant to Rule 3 of the Joint Rules, this is to inform you that the Speaker has appointed as members on the part of the House, of the committee created by "Resolve Creating a Recess Committee on Income Tax Legislation," approved October 29th,

Messrs. Newton of Readfield  
Higgins of Ellsworth  
Dow of Norway

Respectfully,

HARVEY R. PEASE,  
Clerk of the House.

Which was read and ordered placed on file.

On motion by Mr. Potter of Penobscot it was

ORDERED, that a message be sent to the House informing that Body that the Senate has transacted all the business which has

come before it, and is ready to adjourn without day.

The Secretary was instructed to convey the message and subsequently reported that he had discharged the duty assigned to him.

A message was received from the House of Representatives by its Clerk, Mr. Pease, that that body had transacted all the business before it, and was ready to adjourn without day.

On motion by Mr. Marden of Kennebec, it was

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 on all matters before them, and are now ready to receive any communication which he may be pleased to make.

The President appointed as members of such a committee on the part of the Senate:

Senators: Marden of Kennebec, Graves of Hancock, Maliar of Androscoggin.

Mr. WILLEY of Cumberland: Mr. President, on behalf of myself and, I am sure, of every member of the Senate, I wish to express my great appreciation of the kindnesses which the President of the Senate has accorded me and the other members of the Senate, and the same to the Secretary of the Senate and all the employees of the Senate. We are very grateful for the kindness and consideration which you have shown us.

The PRESIDENT: In behalf of the Secretary and myself, I thank the Senator for the kind words.

Mr. Marden from the Joint Committee appointed to wait upon the Governor reported that the Committee had attended to the duties assigned it, and the Governor was pleased to inform the Committee

that he would forthwith cause to be delivered a communication to the two branches of the Legislature.

Thereupon, the Honorable Harold E. Goss, Deputy Secretary of State came in and laid before the Senate the following communication:

STATE OF MAINE  
EXECUTIVE DEPARTMENT

Augusta, October 29, 1937

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

I herewith transmit a list of the 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 and praise of 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 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.

Respectfully submitted,

(Signed) LEWIS O. BARROWS,  
Governor of Maine.

Which was read and sent to the House.

Subsequently the foregoing communication was returned from the House read and placed on file in concurrence.

On motion by Mr. Fernald of Waldo, at 3:20 o'clock in the afternoon of Friday, October 29, 1937, J. Frederic Burns, President, declared the Senate of the October Special Session of the Eighty-eighth Legislature adjourned without day.