

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, January 24, 1939.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Credentials of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians

"STATE OF MAINE

Pleasant Point, Perry and Princeton, Maine

WASHINGTON ss. To Whom It May Concern:

This is to certify that at the General Election of the Passamaquoddy Tribe of Indians, held in accordance with Section 282, Chapter 1, of the Laws of Maine, 1933, on the first Tuesday of October, 1938, Samuel J. Dana was duly elected as Representative to the Maine Legislature for the term of two years, beginning with the first Wednesday of January, 1939, and ending with the first Tuesday of October, 1940.

(Signed) FLAGG CUMMINGS,
Indian Agent."

On motion by Mr. Palmeter of Charlotte, the communication was received and ordered placed on file.

The SPEAKER: The House welcomes the Representative of the Passamaquoddy Tribe, Mr. Dana, and the Sergeant at Arms will conduct the gentleman to Seat No. 152.

Thereupon, the Sergeant at Arms conducted the member to that seat, amid the applause of the House, the members rising.

The following bills and resolves were received, and upon recommendation of the committee on Reference of Bills were referred to the following committees:

Claims

Resolve in favor of Hamlin M. Maddocks of Bangor (H. P. 265) (Presented by Mr. Churchill of Brewer)

Resolve in favor of Ivadell Gaddis of East Machias (H. P. 266) (Presented by Mr. Dennison of E. Machias)

Resolve in favor of William M. Fish of China (H. P. 267) (Presented by Mr. Hussey of Windsor)

Resolve in favor of Grace M. & Allen H. Sprague of Auburn (H. P. 263) (Presented by Mr. Marshall of Auburn)

Resolve in favor of William P. Toulouse of Waterville (H. P. 269) (Presented by Mr. Poulin of Waterville)

Resolve to reimburse the town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 270) (Presented by Mr. Williams of Bethel)

Sent up for concurrence.

Education

Resolve in favor of Cherryfield Academy (H. P. 271) (Presented by Mr. Melanson of Cherryfield)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relative to Closed Time on Deer" (H. P. 272) (Presented by Mr. Dennison of E. Machias)

(On motion by Mr. Noyes of Franklin, tabled pending reference to a committee; and on further motion by the same gentleman, 500 copies ordered printed)

Bill "An Act relative to Game Preserve in York County" (H. P. 273) (Presented by Mr. Ramsdell of Dayton)

(500 copies ordered printed)

Bill "An Act relative to Game Preserve in York County" (H. P. 274) (Presented by Mr. Young of Old Orchard Beach)

(500 copies ordered printed)

Resolve Opening Lake Christopher to Ice Fishing (H. P. 275) (Presented by Mr. Colby of So. Paris)

(500 copies ordered printed)

Resolve relative to Fishing in North Pond, East Pond and East Pond Stream (H. P. 276) (Presented by Mr. Ellis of Fairfield)

(500 copies ordered printed)

Resolve Regulating Fishing in Scraggly Lake (H. P. 277) (Presented by Mr. Bates of Patten)

Resolve Opening North Pond to Ice Fishing (H. P. 278) (Presented by Mr. Colby of So. Paris)

Resolve for Screening Hobbs Pond in the county of Knox (H. P. 279) (Presented by Mr. Dwinall of Camden)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Trustees and their Confirmation and Accounting in Probate Courts" (H. P. 280) (Presented by Mr. Pike of Bridgton by request)

(500 copies ordered printed)

Bill "An Act relating to Corporations" (H. P. 281) (Presented by Mr. Weatherbee of Lincoln)

(500 copies ordered printed)

Bill "An Act relating to Responsibility for Injuries by Drunken Persons" (H. P. 282) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to the Town Manager Form of Government for the town of Dover-Foxcroft" (H. P. 283) (Presented by Mr. Snow of Dover-Foxcroft)

(1000 copies ordered printed)

Sent up for concurrence.

Library

Resolve for the Purchase of One Hundred Copies of "History of Oxford County" (H. P. 284) (Presented by Mr. Colby of So. Paris by request)

Sent up for concurrence.

Motor Vehicles

Bill "An Act relating to Registration of certain Trucks" (H. P. 285) (Presented by Mr. Chandler of New Gloucester)

(500 copies ordered printed)

Sent up for concurrence.

Pensions

Bill "An Act relating to Requisites for Old Age Assistance" (H. P. 286) (Presented by Mr. Williams of Bethel)

(1000 copies ordered printed)

Resolve providing for an Increase in State Pension for Herbert L. Hardin of Knox (H. P. 287) (Presented by Mr. Bangs of Freedom)

Resolve providing for a State Pension for Effie E. Downer of Palermo (H. P. 288) (Presented by same gentleman)

Resolve providing for a State Pension for Edward H. Austin of Rome (H. P. 289) (Presented by Mr. Downs of Rome)

Resolve providing for an Increase in State Pension for Arthur W. Hunt of Burnham (H. P. 290) (Presented by Mr. Farwell of Unity)

Resolve providing for a State Pension for George U. Fish of Etna (H.

P. 291) (Presented by Mr. Fernald of Levant)

Resolve providing for a State Pension for Grover C. Craig (H. P. 292) (Presented by same gentleman)

Resolve providing for a State Pension for Alberta B. Sheldon of Carmel (H. P. 293) (Presented by same gentleman)

Resolve providing for a State Pension for Charles L. Adams of Vassalboro (H. P. 294) (Presented by Mr. Hawes of Vassalboro)

Resolve providing for a State Pension for Ethel M. Prime of Vassalboro (H. P. 295) (Presented by same gentleman)

Resolve providing for a State Pension for Reed W. Lowell of Stockton Springs (H. P. 296) (Presented by Mr. Worth of Stockton Springs)

Resolve providing for an Increase in State Pension for Ada E. Bailey of Searsport (H. P. 297) (Presented by same gentleman)

Sent up for concurrence.

Ways and Bridges

Resolve in favor of the town of Haynesville (H. P. 299) (Presented by Mr. Bubar of Weston)

Resolve in favor of the town of Hodgdon (H. P. 300) (Presented by same gentleman)

Resolve in favor of Westmanland Plantation (H. P. 301) (Presented by Mr. Burgess of Limestone)

Resolve in favor of Hamlin Plantation (H. P. 302) (Presented by same gentleman)

Resolve in favor of the town of Dixmont (H. P. 303) (Presented by Mr. Fernald of Levant)

Resolve in favor of the town of Plymouth (H. P. 304) (Presented by same gentleman)

Resolve in favor of the town of Etna (H. P. 305) (Presented by same gentleman)

Resolve in favor of the town of Carmel (H. P. 306) (Presented by same gentleman)

Resolve in favor of the town of Kenduskeag (H. P. 307) (Presented by same gentleman)

Resolve in favor of the town of Newburg (H. P. 308) (Presented by same gentleman)

Resolve in favor of the town of Levant (H. P. 309) (Presented by same gentleman)

Resolve in favor of the city of Saco (H. P. 310) (Presented by Mr. Ford of Saco)

Resolve in favor of the town of Waldoboro (H. P. 311) (Presented by Miss Fowles of Whitefield)

Resolve in favor of the town of Wilton (H. P. 312) (Presented by Mr. Hall of Wilton)

Resolve in favor of the city of Old Town (H. P. 313) (Presented by Mrs. Latno of Old Town)

Resolve in favor of the city of Auburn (H. P. 314) (Presented by Mr. Marshall of Auburn)

Resolve in favor of the town of Casco (H. P. 315) (Presented by Mr. Meserve of Casco)

Resolve in favor of the town of Casco (H. P. 316) (Presented by same gentleman)

Resolve in favor of the town of Temple (H. P. 317) (Presented by Mr. Mills of Farmington)

Resolve in favor of the town of Farmington (H. P. 318) (Presented by same gentleman)

Resolve in favor of the town of New Sharon (H. P. 319) (Presented by same gentleman)

Resolve in favor of the town of Temple (H. P. 320) (Presented by same gentleman)

Resolve in favor of the town of Charlotte (H. P. 321) (Presented by Mr. Palmeter of Charlotte)

Resolve in favor of the town of Bridgton (H. P. 322) (Presented by Mr. Pike of Bridgton)

Resolve in favor of the town of Otisfield (H. P. 323) (Presented by Mr. Robbins of Harrison)

Resolve in favor of the town of Harrison (H. P. 324) (Presented by same gentleman)

Resolve in favor of the town of Windham (H. P. 325) (Presented by same gentleman)

Resolve in favor of the town of Buckfield (H. P. 326) (Presented by Mr. Robinson of Peru)

Resolve in favor of the town of Hartford (H. P. 327) (Presented by same gentleman)

Resolve in favor of the town of Peru (H. P. 328) (Presented by same gentleman)

Resolve in favor of the town of Canton (H. P. 329) (Presented by same gentleman)

Resolve in favor of the town of Dresden (H. P. 330) (Presented by Mr. Stilphen of Dresden)

Resolve in favor of the town of Greenwood (H. P. 331) (Presented by Mr. Williams of Bethel)

Resolve in favor of the town of Gilead (H. P. 332) (Presented by same gentleman)

Resolve in favor of the town of Islesboro (H. P. 333) (Presented by Mr. Worth of Stockton Springs)

Resolve in favor of the town of York (H. P. 334) (Presented by Mr. Young of Old Orchard Beach)

Resolve in favor of the town of North Kennebunkport (H. P. 335) (Presented by same gentleman)

Resolve in favor of the town of Old Orchard Beach (H. P. 336) (Presented by same gentleman)

Sent up for concurrence.

Orders

On motion by Mr. Varney of Berwick, it was

Ordered, that the use of the hall of the House be granted to the State Board of Barbers and Hairdressers on Saturday, February 11, 1939, for the purpose of conducting examinations.

Orders of the Day

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 Governor Lewis O. Barrows to attend the Convention and present such communication as he may be pleased to make.

On motion by Mr. Varney of Berwick, the House voted to concur with the Senate in the proposal for a Joint Convention, and the Clerk was charged with and conveyed a message to the Senate, informing that body that the House concurred in the above proposition for a Joint Convention.

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

In Convention

The President of the Senate, Senator Sewall, in the Chair.

On motion by Senator Hill of Cumberland, it was

Ordered, that a committee be appointed to wait upon His Excellency, Governor Lewis O. Barrows, to inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that committee, on the part of the Senate: Senators Hill of Cumberland, Tompkins of Aroostook and Elliot of Knox. On the part of the House: Representatives Murchie of Calais, Fernald of Levant, Dorsey of Fort

Fairfield, Winslow of Auburn, Hawes of Vassalboro, Mahon of Ellsworth and Burgess of Rumford.

Senator Hill, for the committee, subsequently reported that the committee had discharged the duties assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

The report was accepted and the committee discharged.

Thereupon, Governor Lewis O. Barrows, attended by the Executive Council, entered the Convention Hall, the members rising and applauding, and the Governor addressed the Convention as follows:

**MR. PRESIDENT AND MEMBERS
OF THE EIGHTY-NINTH
LEGISLATURE:**

In accordance with the provisions of Chapter 216 of the Public Laws of 1931, I have the honor to transmit herewith the Biennial State Budget for the fiscal years of 1939-1940 and 1940-1941.

By direction of the Administrative Code it contains:

Part I. The financial policy of the ensuing biennium and general budget summary, showing the relation between total proposed expenditures and the total anticipated receipts, with the means of financing the budget for each year; showing also contrasting figures for the last completed year and the present fiscal year.

Part II. The detailed budget estimates of revenues and recommended appropriations for expenditures.

Part III. The appropriation act. The bonded indebtedness of State government. The debt redemption requirements. The debt authorized and unissued and the condition of the trust and sinking fund. The titles of budget bills, together with recommended changes in statute to make effective proposed budget savings and economies.

At this point I desire to acknowledge the careful and conscientious effort of not only the Budget Officer and the Controller but also the Legislative Advisory Committee composed of Senator Wentworth and Representatives Murchie and Burgess. Their report will be of material assistance to every member of this Legislature.

As proclaimed earlier in this session your major problem, both yours and mine, is to render maximum

service to the citizens of this State at minimum expense to the taxpayers. To approve all requests for expanded activities or services on the one hand and the definite knowledge of decreasing revenue on the other hand, is indeed a bewildering task.

The problem of decreased revenue is not new. It has been steady and constant for the past ten years and still continues.

With estimated general fund receipts for each of the next two years of \$11,362,952, which is a reduction of \$250,000 a year in comparison with 1937-1938, there is slight hope for greatly expanded activities or any new departments.

The budget shows a request for the amount of \$3,756,000 for the next two year period for Old Age Assistance over the previous two year period.

In the enactment of required revenue for such services as you deem essential for the next two years it is necessary to consider all activities of State, not simply Old Age Assistance. The requests made to the Budget Committee for the biennium totaled \$28,253,000, with available estimated receipts of \$22,724,000. This means, in other words, an excess in demands over available receipts of \$5,529,000.

Exclusive of Old Age Assistance the recommendations of the budget for the support of the departments and institutions plus "deficiency" item, as now provided, total \$10,741,641 for the fiscal year 1939-1940, and \$10,928,541 for the fiscal year 1940-1941. This is an increase over the last year and the present year, after the economy reductions were made, of approximately \$300,000 each year, or a reduction of \$100,000 each year over the original appropriations of 1937.

As I explained in my first message to you, to provide for Old Age Assistance at the present average monthly rate of \$20.75 to 15,000 deserving aged each month would require \$4,260,000 of State funds for the biennium. From current estimated receipts there would be available funds amounting to \$621,000 for 1939-1940, and \$434,000 for 1940-1941. You will note that this leaves a net shortage of \$3,200,000 for the two year period. It should be borne in mind that the next two years have available only the deficiency tax and the five percent liquor tax,

and that it will be necessary to obtain the needed balance from some other source.

The method suggested in the budget for your consideration would be to defer the amortization of the remaining \$1,485,000 in the 1937 deficiency account. By extending the retirement over possibly a ten-year period and retiring \$150,000 each year it would make available \$345,000 annually for other purposes. The sinking fund reserve now shows a credit balance of \$722,000.

It would seem safe to make available by legislative act the sum of \$200,000 for each of the next two years. With other estimated receipts, these two changes would provide \$1,166,000 for the first fiscal year, and \$979,000 for the second year. Even then these amounts would not be sufficient unless augmented by participation on the part of the cities and towns to the extent of one-fourth of the actual Assistance rendered to the residents of the respective municipalities. This would be sufficient to provide Assistance to 15,000 each month at the present average monthly rate.

I have stated my belief that decentralization of much of the welfare work now carried on by the State is essential in preserving our form of government. However, such decentralization without financial participation offers no hope of success.

I also believe that the increase in both Federal and State activity does not itself imply a corresponding decrease in local or municipal obligations. To be most successful it requires cooperation but nevertheless cooperation works both ways. The local community is the foundation of the welfare structure whether or not it is supplemented by Federal or State participation. So it would appear to me to be necessary to get down to "rock bottom" and reassume the work of safeguarding the security of individual citizens.

While even this method will not render Assistance for every person making application, I feel it will comply with the party platform promise of each one of us and will undoubtedly be generally approved.

The largest increase recommended in the budget is the amount of \$50,000 each year in the Department of Sea and Shore Fisheries. I have long felt that you have an opportunity to be of tremendous

help to thousands of our citizens whose very existence depends upon the success of this industry. The suggested increase is proposed for the propagation of lobsters and other shell fish, a much needed and vigorous sales promotional campaign and a modest, expenditure for a suitable seaworthy boat.

In the Department of Agriculture the demand for the eradication of Bangs Disease in cattle has placed an increased demand upon the State. While recognizing the importance to the farmers, yet keeping in mind the whole financial problem, it was decided to recommend an increase of \$28,000 each year.

The commitment of patients or inmates to our several institutions is in general beyond the control of any State Administration. Without drastic amendments to the existing statutes, regulating commitments, even the budget recommendations, which show an increase of \$227,000 for the next two years over the previous appropriations, may possibly prove to be insufficient before the next biennium is ended.

Emergency aid and pauper support can truly be classified as major problems in relief expenditures. Under existing laws and conditions the cost to the State is constantly increasing and the total annual expense is extremely difficult to accurately estimate. It would seem advisable to carefully consider some program of rehabilitation rather than continuing direct aid inasmuch as a plan that would be designed to protect our citizens through economic security would be preferable to one that retains them in charity or public assistance of some character.

The wisdom of additional funds for educational equalization has amply been demonstrated and a substantial start on such a program has been made during the past two years. It would be advisable to expand this appropriation if available revenues can be found.

In my first message to you, relating to the Department of Inland Fisheries and Game, I said:—"To retain its maximum efficiency adequate protection and propagation of fish and game must be maintained. It is nevertheless desirable to make the division self-supporting as rapidly as circumstances permit."

Apparently some apprehension has resulted from this statement. How-

ever, it was not implied nor intended, and should not be so construed, that a reduction in that direct appropriation is desirable unless certain amendments which you will doubtless consider of estimated comparable returns should receive your approval.

The proposed amendments as outlined to me seem logical and if enacted should not only relieve direct taxation but would ultimately tend to make the department that much nearer a self-supporting unit.

To substantially decrease its present appropriation would only decrease its efficiency to the people of the State and that condition would not seem advisable in my opinion.

With a balanced budget at the close of our last fiscal year, it is my desire, as it is yours, to continue the State of Maine on a sound financial basis. You have been assured of every cooperation that the Executive Department can possibly render, and it remains for the State to meet its obligations on time and in full if the credit of our government is to be

maintained. Realization of this can result from the adoption and the continuance of a rigid financial policy, and to that end we must direct our united efforts.

At the conclusion of the address the Governor and Council withdrew amid the applause of the Convention, the audience rising.

The purpose 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, the members rising.

In The House

Called to order by the Speaker.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Mr. Walker of Littleton,

Adjourned until ten o'clock tomorrow morning.