

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

SENATE

Wednesday, January 4, 1939.

Pursuant to the provisions of the Constitution and the Laws of the State of Maine, the Senators-elect to the Eighty-ninth Legislature convened in the Senate Chamber and were called to order by Royden V. Brown, Secretary of the Senate of the Eighty-eighth Legislature.

Prayer was offered by the Reverend Herbert E. P. Pressey of Augusta.

Communication from the Secretary of State:

STATE OF MAINE

Office of the Secretary of State.

To Royden V. Brown, Secretary of the Senate of the Eighty-eighth Legislature:

In compliance with Section 36, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the Senators-elect to the Eighty-ninth Legislature, as appears by the report of the Governor and Council under date of September 30, 1938.

First Senatorial District—Charles Boothby of Shapleigh, Emery S. Littlefield of Alfred, George J. Wentworth of Kennebunk.

Second Senatorial District—George E. Hill of South Portland, Gail Laughlin of Portland, Lauren M. Sanborn of Portland, Arthur G. Spear of Portland.

Third Senatorial District—Eugene H. Dorr of Mexico, Earl P. Osgood of Fryeburg.

Fourth Senatorial District—Jean Charles Boucher of Lewiston, Ovila Hamel of Lewiston, Bernard L. Harkins of Lewiston.

Fifth Senatorial District—Clinton H. Dow of Jay.

Sixth Senatorial District—Sumner Sewall of Bath.

Seventh Senatorial District—Robert A. Cony of Augusta, H. C. Marden of Waterville, Robert Owen of Vassalboro.

Eighth Senatorial District—Sanger M. Cook of Pittsfield, Francis H. Friend of Skowhegan.

Ninth Senatorial District—Charles J. Chase of Sebec.

Tenth Senatorial District—James K. Chamberlain of Brewer, Frank A. Thatcher of Bangor, Harold W. Worthen of Corinth.

Eleventh Senatorial District—Elton H. Lewis of Boothbay.

Twelfth Senatorial District—Albert B. Elliot of Thomaston.

Thirteenth Senatorial District—Ralph I. Morse of Belfast.

Fourteenth Senatorial District—Rae D. Graves of Mount Desert, Jeremiah Kennedy of Lamoine.

Fifteenth Senatorial District—Clarence B. Beckett of Calais, Clifford G. Chase of Baring.

Sixteenth Senatorial District—J. Frederic Burns of Houlton, George P. Findlen of Fort Fairfield, Nathaniel Tompkins of Houlton.

In Testimony Whereof, I have caused the seal of the State to be herewith affixed at Augusta, this 4th day of January, A. D., 1939, of the Independence of the United States of America, the one hundred and sixty-third.

(Seal) **FREDERICK ROBIE**
Secretary of State.

Which was read and placed on file.

Roll Call

The roll being called the following Senators-elect responded to their names:

Beckett, Boothby, Boucher, Burns, Chamberlain, Chase of Piscataquis, Chase of Washington, Cony, Cook, Dorr, Dow, Elliot, Findlen, Friend, Graves, Hamel, Harkins, Hill, Kennedy, Laughlin, Lewis, Littlefield, Marden, Morse, Osgood, Owen, Sanborn, Sewall, Spear, Thatcher, Tompkins, Wentworth, Worthen.

Thirty-three Senators-elect having answered to the roll-call the Secretary declared that a quorum was present.

On motion by Mr. Burns of Aroostook, that Senator-elect was charged with a message to the Governor and Council informing them that a quorum of the Senators-elect to the Eighty-ninth Legislature was present in the Senate Chamber ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently Mr. Burns reported that he had delivered the message with which he was charged and the Governor was pleased to reply that he will attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

Senators Take Oath

Thereupon the Governor, the Honorable Lewis O. Barrows attended by the Executive Council came in.

Address by the Governor

THE GOVERNOR: Members of the Senate of the Eighty-ninth Legislature:

I have the honor to cordially welcome you to the Capitol City of Maine. I hope that your associations together this winter will create truly lasting friendships and that your deliberations will materially increase the welfare, prosperity and happiness of the people of this great State.

It will be my pleasure tomorrow to address you in some detail concerning certain problems that will confront you during the present session.

It is now my present obligation to administer the oath qualifying you to enter upon the discharge of your official duties.

If any of the members-elect wish to affirm instead of taking the oath, they may present themselves at the Council Chamber for that purpose. Thereupon, the Senators-elect took and subscribed the oaths of office required by the Constitution.

The Governor and Council then withdrew.

Mr. TOMPKINS of Aroostook: Mr. Secretary, and members of the Senate, it gives me great pleasure to nominate for the office of the President of the Senate a gentleman who was unanimously nominated by his party last night at the party caucus, a gentleman distinguished in the service of his country, distinguished in his service to his state, a gentleman who comes from a distinguished family of the state of Maine, who has always stood for those things in public and private life that all right-thinking men strive for.

It gives me great pleasure to nominate for the office of President

of the Senate the Honorable Sumner Sewall of Bath.

Thereupon, on motion by Mr. Tompkins of Aroostook, the Senator from Somerset, Senator Friend, was appointed a committee of one to cast one ballot on the part of the Senate in favor of the Honorable Sumner Sewall for President of the Senate; and that Senator having performed the duty assigned him, the Secretary declared the Honorable Sumner Sewall duly elected President of the Senate of the Eighty-ninth Legislature.

Mr. Sewall was escorted to the Chair by the Senator from York, Senator Wentworth and thereupon addressed the Senate as follows:

THE PRESIDENT: My colleagues of the Senate of the Eighty-ninth Legislature, to be chosen President of this Senate is a very real honor, for which I am deeply grateful to you all. That this honor is laden with heavy responsibilities I am keenly aware, but with the assurance of your help and support I gladly undertake the task. In the final analysis we are all here for one, and only one, purpose, which is to serve the people of the state of Maine to the best of our individual and collective abilities. For the carrying out of this purpose there will soon be presented many legislative documents representing various conflicting thoughts and it will be our duty to give to each the consideration and deliberation that it merits.

Obviously our task will not be easy but by the same token our opportunity to render useful service will be great. Fortunately with few exceptions we have all had previous legislative experience and this should help us immeasurably in finding an early and successful solution to our problems.

In the conduct of our business we must be orderly and in our deliberative contacts we must give sympathetic patience and responsive regard to one another's views and in debate we must remember that we are concerned solely with the issue and not with the man.

For my part I shall endeavor to use prudently and impartially, yet firmly if necessary, the authority vested in me by virtue of this office. It will be my constant aim to advance the work before us in an orderly, deliberate and expeditious manner to the end that through the cooperative action of us all a suc-

cessful, sound solution will be found to the problems of the people who have given us this honor, responsibility and opportunity to serve them.

The Chair awaits your pleasure.

Mr. FRIEND of Somerset: Mr. President, it gives me great pleasure to nominate for the office of Secretary of the Senate, the Honorable Royden V. Brown of Skowhegan.

On motion by Mr. Owen of Kennebec, the Senator from Kennebec, Senator Marden was authorized to cast one ballot on the part of the Senate in favor of the Honorable Royden V. Brown for Secretary of the Senate.

This was done and the Honorable Royden V. Brown of Skowhegan was declared duly elected Secretary of the Senate of the Eighty-ninth Legislature.

At the request of the President, Mr. Friend of Somerset escorted the Secretary-elect to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

Subsequently Mr. Friend reported to the Senate that he had attended to the duty assigned him, and that Royden V. Brown had, before the Governor and Council, taken and subscribed the oaths of office required to qualify him for the discharge of the duties of the Secretary of the Senate.

On motion by Mr. Hill of Cumberland, the Senator from Oxford, Senator Dorr, was authorized to cast one ballot on the part of the Senate in favor of Chester T. Winslow for Assistant Secretary of the Senate. This was done, and Chester T. Winslow of Raymond was declared duly elected Assistant Secretary of the Senate of the Eighty-ninth Legislature.

On motion by Mr. Graves of Hancock, the Senator from Lincoln, Mr. Lewis was authorized to cast one ballot on the part of the Senate in favor of Louis R. Fowler for Sergeant at Arms of the Senate.

This was done, and Louis R. Fowler was declared duly elected Sergeant at Arms of the Senate of the Eighty-ninth Legislature.

On motion by Mr. Worthen of Penobscot the Senator from Hancock, Mr. Kennedy was authorized to cast one ballot on the part of the Senate in favor of Roy S. Humphrey for Asst. Sergeant at Arms, John K. Forhan for Postmaster, Waldo H. Clark for Doorkeeper, Harlan Wadleigh, Jr., for Page, Paul F. Kennon for Page.

This was done and the above were declared duly elected to their several offices of the Eighty-ninth Legislature.

On motion by Mr. Tompkins of Aroostook, that Senator was charged with a message to the House of Representatives informing that body that the Senate had organized by the choice of the Honorable Sumner Sewall as President, Royden V. Brown as Secretary and Chester T. Winslow as Assistant Secretary.

That Senator retired and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Hill of Cumberland that Senator was charged with a message to the Governor and Council informing them that the Senate had organized by the choice of the Honorable Sumner Sewall as President, Royden V. Brown as Secretary, and Chester T. Winslow as Assistant Secretary.

That Senator retired and subsequently reported that he had delivered the message with which he was charged.

Communication from the Department of State transmitting the Senatorial Vote, was read and on motion by Mr. Beckett of Washington was referred to the Committee on Senatorial Vote.

Orders

On motion by Mr. Kennedy of Hancock, it was

ORDERED, that the Secretary of the Senate be directed to invite clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate.

On motion by Mr. Boothby of York, it was

ORDERED, that the State Librarian be directed to provide each member and officer of the Senate with a copy of the Acts and Re-

solves of the Eighty-eighth Legislature.

On motion by Mr. Lewis of Lincoln,

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 1939 and 1940 shall be referred for examination and report.

The President appointed:

Senators Lewis of Lincoln, Harkins of Androscoggin, Owen of Kennebec, Chase of Washington, Littlefield of York, Chamberlain of Penobscot, Findlen of Aroostook.

On motion by Mr. Cony of Kennebec, it was

ORDERED, that the Official Reporter of the Senate be authorized to procure the services of a type-writing operator during the present session at an expense not exceeding \$400; also an assistant reporter at an expense not exceeding \$700; for the preparation and completion of the Legislative Record.

On motion by Mr. Sanborn of Cumberland, it was

ORDERED, that the Secretary of the Senate be authorized to secure the services of three stenographers for the present session; one for the office of the President, and two for the office of the Secretary.

On motion by Mr. Harkins of Androscoggin, it was

ORDERED, that the Secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mr. Chase of Washington, it was

ORDERED, that the Secretary of the Senate purchase such stationery, office supplies and equipment as may be needed to carry on the business of the Senate.

On motion by Miss Laughlin of Cumberland, it was

ORDERED, that the rules and orders of the Senate of the Eighty-eighth Legislature be the rules and orders of this Senate.

On motion by Mr. Findlen of Aroostook, it was

ORDERED, that Charles P. Lyford of Augusta be appointed Official

Reporter of the Senate with the same compensation as paid at the last regular session of the Legislature.

On motion by Mr. Chamberlain of Penobscot, it was

ORDERED, that the Senate hold one session a day commencing at ten o'clock in the forenoon until otherwise ordered.

On motion by Mr. Dow of Franklin, it was

ORDERED, that the President of the Senate be authorized to appoint a Folder for the Senate.

On motion by Mr. Chase of Piscataquis, it was

ORDERED, that the State Librarian be directed to provide each member and officer of the Senate with a copy of the Revised Statutes.

On motion by Mr. Elliot of Knox, it was

ORDERED, the House concurring, that the Joint Rules of the Eighty-eighth Legislature be the Joint Rules of this Legislature, with the following amendment:—"striking out the words 'On Aeronautics and Radio Control' and inserting in place thereof the words 'On Motor Vehicles', and thereafter placing it alphabetically in the list of committees." (S. P. 1)

Sent down for concurrence.

On motion by Mr. Thatcher of Penobscot, it was

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Register, and that 5,000 copies be printed for the use of the Legislature. (S. P. 2)

Sent down for concurrence.

At this point a message was received from the House informing the Senate that that body had organized by the choice of Donald W. Philbrick of Cape Elizabeth as Speaker, Harvey R. Pease of Wiscasset as Clerk, Earl L. Wing of Kingfield as Assistant Clerk.

On motion by Mr. Kennedy of Hancock, it was

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the

number of fifty calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House 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. 3)

Sent down for concurrence.

On motion by Mr. Elliot of Knox, it was

ORDERED, the House concurring, that all matters pertaining to advertising, committee record binders, paper supplies and rubber stamps be referred to the Superintendent of Public Printing, who shall direct the handling of such matters. (S. P. 4)

Sent down for concurrence.

On motion by Mr. Littlefield of York, it was

ORDERED, the House concurring, that all printing and binding authorized by the Legislature, shall be under the direction of the Secretary of the Senate and Clerk of the House. (S. P. 5)

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, it was

ORDERED, the House concurring, that the Secretary of State be authorized to furnish wrappers and postage stamps for each member and officer of the Senate and House not exceeding \$5.00 in amount each for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State (S. P. 6)

Sent down for concurrence.

On motion by Mr. Hamel of Androscoggin, it was

ORDERED, that the Secretary of the Senate be directed to furnish each member and officer of the Senate during the present session with three daily newspapers printed in the State, as each member and officer may select.

On motion by Mr. Thatcher of Penobscot, it was

ORDERED, the House concurring, that no bill for private or special legislation be received by this legislature after four o'clock in the af-

ternoon on Thursday, Feb. 2, 1939, except by unanimous consent in the body in which it is introduced, and be it further

ORDERED, that any bill for private or special legislation which shall be received in either body of this legislature by unanimous consent after four o'clock in the afternoon on Thursday, February 2, 1939, shall be referred to the Ninetieth Legislature if unanimous consent for its reception is not given in the other body in concurrence, and be it further

ORDERED, that the Secretary of the Senate cause a copy of the above orders to be published in all the daily and weekly papers of the State, commencing January 10, 1939, and continuing up to and including February 2, 1939. (S. P. 7)

Sent down for concurrence.

On motion by Mr. Sanborn of Cumberland, it was

ORDERED, the House concurring, that the returns of votes for Governor, given in the several cities, towns and plantations of the State for the political years 1939 and 1940 be referred to a joint select committee of seven on the part of the Senate with such as the House may join. (S. P. 8)

Sent down for concurrence.

On motion by Mr. Kennedy of Hancock, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the session of 1939 be printed and bound, one copy each for the members of the Senate, House of Representatives, and the Secretary of the Senate, and Clerk of the House, and the remainder to be deposited in the State Library for exchange and library use; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments, under the direction of the Document Clerk, and be it further

ORDERED, that a suitable index be prepared for such Legislative Record under the direction of the State Librarian, at an expense not exceeding five hundred dollars. (\$500.00) (S. P. 9)

Sent down for concurrence.

On motion by Mr. Tompkins of Aroostook, it was

ORDERED, the House concurring, that the Bureau of Purchases be directed to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings during the present session, same to be charged to Legislative expense. (S. P. 10)

Sent down for concurrence.

On motion by Mr. Cony of Kennebec, it was

ORDERED, the House concurring, that the members and officers of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding five dollars (\$5.00) for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State Library Department, and the unexpended balance at the close of the year 1939 shall be available for use in 1941. (S. P. 11)

Sent down for concurrence.

On motion by Mr. Burns of Aroostook, it was

ORDERED, that the Secretary of the Senate be authorized and directed to sent a bouquet of flowers to Harold E. Weeks, President of the Eighty-seventh Senate, now confined to the hospital on account of illness.

On motion by Mr. Burns of Aroostook, it was

ORDERED, the House concurring, that no bill or resolve be received by the legislature after four o'clock in the afternoon of Thursday, February 9th, 1939, except by unanimous consent in the body in which it is introduced, and be it further

ORDERED, that any bill or resolve which shall be received in either body of this legislature by unanimous consent after four o'clock in the afternoon on Thursday, February 9, 1939, shall be referred to the Ninetieth Legislature if unanimous consent for its reception is not given in the other body in concurrence. These orders shall not apply to bills reported by any joint standing or joint select committee in the regular course of business, nor to such bills and resolves as are intended only to

facilitate the business of the Eighty-ninth Legislature; and be it further

ORDERED, that the Secretary of the Senate cause a copy of the above orders to be published in all the daily and weekly papers of the State, commencing January 9th, 1939, and continuing up to and including February 9, 1939. (S. P. 13)

Sent down for concurrence.

On motion by Mr. Cony of Kennebec, it was

ORDERED, that the use of the Senate Chamber be granted to the Maine State Bar Association for the afternoon of Wednesday, January 11, 1939.

On motion by Mr. Chamberlain of Penobscot, it was

ORDERED, the House concurring, that the Superintendent of Public Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing, forty-eight hours previous to the time when said rooms are to be used for that purpose. (S. P. 14)

Sent down for concurrence.

On motion by Mr. Cony of Kennebec, it was

ORDERED, the House concurring, that A. G. Robinson be State House Investigator during the present session of the Legislature at the same rate of compensation paid Mr. Robinson during the last session. (S. P. 15)

Sent down for concurrence.

On motion by Mr. Chase of Washington, it was

ORDERED, the House concurring, that a Joint Select Committee to be designated "Committee on the University of Maine," be appointed, consisting of three on the part of the Senate, and seven on the part of the House. (S. P. 16)

Sent down for concurrence.

On motion by Mr. Spear of Cumberland,

Recessed until this afternoon at two-thirty o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Beckett of Washington, it was

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature forthwith in the Hall of the House for the purpose of selecting a Secretary of State, Treasurer of State, Attorney General, and seven Executive Councilors.

The Secretary retired to deliver the message.

Subsequently a message was received from the House of Representatives by Mr. Pease its Clerk, announcing that that Branch concurred in the proposition of the Senate for a Joint Convention for the purpose of electing a Secretary of State, Treasurer of State, Attorney General, and seven Executive Councilors.

Thereupon the Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

In the Senate

Upon the return of the Senators to the Senate Chamber the Senate was called to order by the President.

The PRESIDENT: The Chair takes pleasure at this time in announcing the appointment of Mr. Francis X. Mooney of Bangor as Folder for the Senate. Is there any further business to come before the Senate?

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at ten o'clock.