

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eighty-ninth Legislature

OF THE

# State of Maine

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SPECIAL SESSION

1940

KENNEBEC JOURNAL PRINT SHOP  
AUGUSTA, MAINE

**SENATE**

Thursday, May 23, 1940.

In compliance with a Proclamation of His Excellency, the Governor, Lewis O. Barrows, the Senators convened in the Senate Chamber at nine o'clock in the morning, Eastern Standard Time.

Senate called to order by the President.

Prayer by the Rev. William R. Wood, of Augusta.

By direction of the President, the Secretary read the Proclamation:

**STATE OF MAINE**

Proclamation by the Governor

Whereas, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider legislation relative to unemployment compensation made necessary by certain changes in Federal Social Security laws.

To consider legislation concerning present laws relating to guaranty of titles of motor vehicles.

To act upon any legislation to promote the welfare of the State.

I, therefore, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Thursday, the twenty-third day of May, 1940, at nine o'clock in the morning, Eastern Standard Time, in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

(Seal) Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this sixteenth day of May in the year of our Lord one thousand nine hundred and forty, and in the one hundred and sixty-fourth year of the Independence of the United States of America.

LEWIS O. BARROWS,  
Governor.

By the Governor,

FREDERICK ROBIE,  
Secretary of State.

A true copy.

Attest:

FREDERICK ROBIE,  
Secretary of State.

Which was read and ordered placed on file.

**Communication****STATE OF MAINE  
DEPARTMENT OF STATE**

Augusta, May 23, 1940.

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

In compliance with section 36 of chapter 2 of the revised statutes, I beg to report that there are two vacancies in the representation of the following senatorial districts:

**Third District**, caused by the resignation of Honorable Earl P. Osgood of Fryeburg which resignation is on file in this office.

**Fourth District**, caused by the death of Honorable Ovila Hamel of Lewiston.

Respectfully,

FREDERICK ROBIE,  
Secretary of State.

Which communication was read and ordered placed on file.

The roll being called by the Secretary, the following Senators responded in their names:

Beckett, Boothby, Boucher, Burns, Chamberlain, Chase, Clifford G.; Chase, Charles J.; Cony, Dorr, Dow, Elliot, Findlen, Friend, Graves, Harkins, Hill, Kennedy, Laughlin, Lewis, Littlefield, Marden, Morse, Cwen, Sanborn, Sewall, Spear, Thatcher, Tompkins, Wentworth, Worthen.

**Orders**

On motion by Mr. Spear of Cumberland, it was

**ORDERED**, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

On motion by Miss Laughlin of Cumberland, it was

**ORDERED**, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

The President appointed Senators Laughlin of Cumberland, Thatcher

of Penobscot, Burns of Aroostook to convey the message.

The Committee retired, and subsequently reported that they had delivered the message with which they were charged.

Subsequently a message was received from the House of Representatives, by Mr. Pease, its Clerk, informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before that body.

On motion by Mr. Friend of Somerset, it was

ORDERED, that the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell, and Gardiner to officiate as chaplains of the Senate during the present session.

On motion by Mr. Findlen of Aroostook, it was

ORDERED, that Charles P. Lyford of Augusta be appointed Official Reporter of the Senate for the Special Session.

On motion by Mr. Chase of Washington, it was

ORDERED, that the Secretary of the Senate be authorized to procure the services of two stenographers during the Special Session, and for the preparation of the Senate Journal.

On motion by Mr. Marden of Kennebec, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1940, convened on May 23rd, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; 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. (S. P. 704)

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

On motion by Mr. Sanborn of Cumberland, it was

ORDERED, that the Senate Reporter be authorized to employ an assistant reporter and a typist during the Special Session.

On motion by Mr. Morse of Waldo, it was

Ordered, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make; and for the further purpose of either confirming the appointment of the present Auditor, or choosing another person to fill the office during the unexpired term.

The Secretary conveyed the message.

Subsequently a message was received from the House, by Mr. Pease, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings of Joint Convention see House Report.)

#### In the Senate

The Senate was called to order by the President.

#### Orders

On motion by Mr. Wentworth of York, it was

ORDERED, the House concurring, that five thousand copies of the Governor's message be printed. (S. P. 705)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Beckett of Washington, it was

ORDERED, the House concurring, that the Superintendent of 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. 706)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Spear of Cumberland,

Recessed until this afternoon at three-thirty o'clock, Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

#### Order

On motion by Mr. Spear of Cumberland, it was

ORDERED, the House concurring, that no bill or resolve be received by this Legislature unless by unanimous consent in the body in which it is introduced, except such as relate directly to the financial condition of the State, the administration of the State Government and its several departments, military defense, and the matters specifically set forth in the Proclamation of the Governor dated May 16, 1940, convening this special session or referred to in the Governor's message; AND IT IS FURTHER ORDERED, that any bill or resolve which shall be received in either branch of this Legislature by unanimous consent shall be referred to the 90th Legislature if unanimous consent for its reception is not given in the other body in concurrence. These Orders shall not apply to such bills or resolves as are intended only to facilitate the business of the 89th Legislature. (S. P. 707)

On motion by Mr. Spear, sent to the House forthwith for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

#### Communications

(Out of order and under suspension of the rules.)

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
Augusta

May 23, 1940.

To the President and Members of the Senate:

To the Speaker and Members of the House:

I have the honor to transmit herewith the original copy of the

complete report of Ernst and Ernst, covering their audit report of the financial transactions of the State of Maine for the fiscal years ending June 30, 1938, and June 30, 1939.

Included also, is the original copy of the condensed report and consolidated general balance sheet for the fiscal years ending June 30, 1939.

Although these documents are addressed to the Governor and Council, in conformity with the terms of the council order No. 145, dated February 28, 1940, I believe the reports are of great importance and should be transmitted for such use and study as the Legislature may deem appropriate.

Respectfully submitted,

LEWIS O. BARROWS

Governor.

(S. P. 711)

Which communication was read and on motion by Mr. Spear of Cumberland, the communication and accompanying reports were tabled pending consideration.

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
Augusta

May 23, 1940.

To the President and Members of the Senate:

To the Speaker and Members of the House:

I have the honor to transmit a further report received today from Ernst and Ernst. It covers some of their observations during the process of their examination not included in the complete report, which already has been presented to the Legislature.

I am of the opinion that if it is desired that Ernst and Ernst continue their detailed audit and prepare another complete report, it should have the authorization of the Legislature.

Therefore I am submitting this memorandum the same day that it was received by me for such action as the Legislature may deem appropriate.

Respectfully submitted,

LEWIS O. BARROWS

Governor.

(S. P. 712)

Which communication and accompanying report were read, and on motion by Mr. Spear of Cumberland, tabled pending consideration.

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

#### **Appropriations and Financial Affairs**

Mr. Spear of Cumberland presented

Bill "An Act Relating to the Auditing of the Accounts of the State Liquor Commission." (S. P. 708)

The same Senator presented

Bill "An Act Providing that Purchases for the Highway Commission Shall Be Made by the State Purchasing Agent." (S. P. 709)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Judiciary**

The same Senator presented

Bill "An Act Relating to the Term of Office of Various Employees Under the Code." (S. P. 710)

(500 copies ordered printed.)

Sent down for concurrence.

Papers from the House referred in concurrence.

#### **Order**

##### **(Out of Order)**

On motion by Mr. Spear of Cumberland, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that the Legal Affairs Committee be instructed to consider and report the advisability of proceedings by address to the Governor and Council or otherwise for the removal of Belmont A. Smith, State Treasurer, accompanying its report with a form of such resolution or other process as it may recommend for the first step in such a proceeding by address.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Recessed until four-thirty o'clock, Eastern Standard time, this afternoon.

#### **After Recess**

The Senate was called to order by the President.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at nine o'clock Eastern Standard time.