

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, January 27, 1943.

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

Prayer by the Rev. Edna Knowlton, of Augusta.

Journal of the previous session read and approved.

**Papers From The Senate**

From the Senate: Resolve in favor of Loudon C. Minor of Portland (S. P. 124)

Resolve in favor of Leonard Stevens of Standish (S. P. 125)

Resolve in favor of Jack T. Pledger of Portland (S. P. 126)

Resolve in favor of Louis C. LeSieur of Saco (S. P. 127)

Resolve in favor of John W. Spoford of Lewiston (S. P. 128)

Resolve in favor of Donald A. McLaughlin of Houlton (S. P. 129)

Resolve in favor of Ralph M. Lovell of Sanford (S. P. 130)

Resolve in favor of Merle Gray of Orland (S. P. 131)

Came from the Senate, referred to the Committee on Claims.

In the House, referred to the Committee on Claims and sent up for concurrence.

From the Senate: The following Order:

**ORDERED**, the House concurring, that Room 28 be assigned for the permanent use of the Committee on Inland Fisheries and Game, and that the Acting Supt. of Buildings be authorized and directed to remove the partition in said room (S. P. 77)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

**Messages and Documents**

The following Communication:

"State of Maine  
Pleasant Point, Perry, Maine  
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 Public Laws of 1933, on the first Tuesday of October, 1942, Samuel J. Dana was duly elected as Represent-

ative to the Maine Legislature for a term of two years, beginning with the first Wednesday of January, 1943, and ending with the first Tuesday of October, 1944.

(Signed) FLAGG CUMMINGS,  
Indian Agent"

The communication was received, read and ordered placed on file, and sent forthwith to the Senate.

The **SPEAKER**: Because of the absence of Mr. Samuel J. Dana from the hall of the House at the present time, the Chair will present the representative of the Passamaquoddy tribe at some later time.

**Bills and Resolves Requiring Reference**

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

**Agriculture**

Bill "An Act relating to Shippers of Potatoes" (H. P. 163) (Presented by Mr. Dorsey of Fort Fairfield)

(Ordered printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act relating to Convention of Town Assessors" (H. P. 164) (Presented by Mr. Jordan of Saco)

(Ordered printed)

Sent up for concurrence.

**Banks and Banking**

Bill "An Act relating to the Capital Stock of Telephone Workers Credit Union of Maine" (H. P. 155) (Presented by Mr. Haskell of Portland)

(Ordered printed)

Sent up for concurrence.

**Claims**

Resolve in favor of Abner B. Kimball of Bethel (H. P. 166) (Presented by Mr. Boyker of Bethel)

Resolve in favor of The American Agricultural Chemical Company of North Weymouth, Mass. (H. P. 167) (Presented by Mr. Davis of Buxton by request)

Resolve in favor of Howard J. Michaud of Biddeford (H. P. 168) (Presented by Mr. Donahue of Biddeford)

Resolve in favor of Joseph T. Small of Biddeford (H. P. 169) (Presented by same gentleman)

Resolve in favor of Hector J. Cyr Company, Inc. of Waterville, Maine

(H. P. 170) (Presented by Mr. W. A. Jones of Waterville)

Resolve in favor of F. Elizabeth Libby of Waterville (H. P. 171) (Presented by same gentleman)

Resolve in favor of Lionel Marquis of Fort Kent (H. P. 172) (Presented by Mrs. Leidy of Fort Kent)

Resolve in favor of Roy Cousins of Salisbury Cove (H. P. 173) (Presented by Mr. MacLeod of Bar Harbor)

Resolve in favor of Mrs. David Flint of York Beach (H. P. 174) (Presented by Mr. Pearson of Kennebunkport)

Resolve in favor of Victor Woodbury of Sebago Lake (H. P. 175) (Presented by Mr. Sanborn of Baldwin)

Sent up for concurrence.

### Education

Bill "An Act Amending the Teachers' Pension Law" (H. P. 176) (Presented by Mr. Webber of Mapleton) (1,000 copies ordered printed)

Bill "An Act relating to Teachers' Pensions" (H. P. 177) (Presented by Mr. Maxwell of Bangor) (Ordered printed)

Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act relating to Fees of Town Clerks for Issuance of Hunting Licenses" (H. P. 178) (Presented by Mr. Benn of Smyrna) (Ordered printed)

Bill "An Act relative to Game Preserve in York County" (H. P. 179) (Presented by Mr. Davis of Buxton)

(Ordered printed)

Resolve relating to Fishing for Smelts in Waters of Androscoggin Watershed (H. P. 180) (Presented by Mr. True of Rangeley)

Sent up for concurrence.

### Judiciary

Bill "An Act relating to the Sale of Oils" (H. P. 181) (Presented by Mr. Bartlett of Portland)

(Ordered printed)

Bill "An Act providing a Penalty for Non-performance of the Duties of Town Treasurers" (H. P. 182) ((Presented by Mr. Byers of Newcastle by request)

(Ordered printed)

Bill "An Act relating to Vital Statistics; Birth Certificates of Foundlings" (H. P. 183) (Presented by Miss Clough of Bangor)

(Ordered printed)

Bill "An Act relating to Claims

against Estates" (H. P. 184) (Presented by Mr. Haskell of Portland)

(Ordered printed)

Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce may be Granted" (H. P. 185) (Presented by Mr. Maxwell of Bangor)

(Ordered printed)

Resolve proposing an Amendment to the Constitution Clarifying the Apportionment of Representatives to the Legislature (H. P. 186) (Presented by Mr. Leavitt of Portland)

(Ordered printed)

Sent up for concurrence.

### Legal Affairs

Bill "An Act to provide a Town Manager Form of Government for the town of Brunswick" (H. P. 187) (Presented by Mr. Brown of Brunswick by request)

(Ordered printed)

Bill "An Act relating to the Appropriation for and Assistance to the Maine Maritime Academy" (H. P. 188) (Presented by Mr. Leavitt of Portland)

(Ordered printed)

Bill "An Act relating to Notices to the State in Actions by Towns in Pauper Cases" (H. P. 189) (Presented by Mr. Maxwell of Bangor)

(Ordered printed)

Bill "An Act relating to Municipal Planning and Zoning" (H. P. 190) (Presented by Mr. Payson of Portland)

(Ordered printed)

Bill "An Act relating to Tax Abatements" (H. P. 191) (Presented by Mr. Usher of Gorham)

(Ordered printed)

Sent up for concurrence.

### Library

Resolve for the Purchase of One Hundred and Twenty-five copies of "Greater Portland's Community Survey" (H. P. 192) (Presented by Mr. Flagg of Portland)

Sent up for concurrence.

### Pensions

Resolve providing for a State Pension for Leland Bartlett of Winn (H. P. 193) (Presented by Mr. Boyd of Winn)

Resolve providing for a State Pension for Thomas W. Michaud of Winn (H. P. 194) (Presented by same gentleman)

Resolve providing for a State Pension for Martha B. Benner, of Waldoboro (H. P. 195) (Presented by Mr. Byers of Newcastle)

Resolve providing for a State

Pension for Etta Hilton of Jefferson (H. P. 196) (Presented by same gentleman)

Resolve providing for a State Pension for Everett F. Philbrook of Carmel (H. P. 197) (Presented by Mr. Conant of Etna)

Resolve providing for a State Pension for George W. Rines of Newburgh (H. P. 198) (Presented by same gentleman)

Resolve providing for a State Pension for Lavinia Gerald of Stacyville (H. P. 199) (Presented by Mr. Estabrook of Stacyville)

Resolve providing for a State Pension for Ford W. Bragg of Sherman Station (H. P. 200) (Presented by same gentleman)

Resolve in favor of Mrs. Mary Bohn of Waterville (H. P. 201) (Presented by Mr. W. A. Jones of Waterville)

Resolve providing for an Increase in State Pension for Lester Patten of Hermon (H. P. 202) (Presented by Mr. Leathers of Hermon)

Resolve providing for a State Pension for Leroy Newman of Winter Harbor (H. P. 203) (Presented by Mr. Morrison of Winter Harbor)

Resolve providing for a State Pension for Victor J. Gardner of Veazie (H. P. 204) (Presented by Mr. Williams of Clifton)

Sent up for concurrence.

#### Salaries and Fees

Bill "An Act relating to Clerk Hire in the Lincoln Municipal Court" (H. P. 205) (Presented by Mr. Denny of Damariscotta)

(Ordered printed)

Bill "An Act relating to the Salary of the Judge of the Lincoln Municipal Court" (H. P. 206) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

#### Sea and Shore Fisheries

Bill "An Act to Encourage Marine Farming in the Tidal Waters of the State" (H. P. 207) (Presented by Mr. Brown of Brunswick by request)

(Ordered printed)

Resolve providing for Better Protection of Shellfish within the limits of the town of Brunswick (H. P. 208) (Presented by same gentleman by request)

(Ordered printed)

Sent up for concurrence.

#### State Lands and Forest Preservation

Bill "An Act relating to the Polic-

ing of State Parks, and Acceptance of Gifts for Improvement of State Parks" (H. P. 209) (Presented by Mr. Bartlett of Portland)

(Ordered printed)

Bill "An Act providing for Transfer of Property to State of Maine by the Maine Maritime Academy on Dissolution" (H. P. 210) (Presented by Mr. Leavitt of Portland)

(Ordered printed)

Resolve authorizing the Maine Defense Commission to Convey Certain Land in Presque Isle (H. P. 211) (Presented by Mr. Brewer of Presque Isle)

(Ordered printed)

Sent up for concurrence.

#### Taxation

Bill "An Act relating to Taxation of Railroad Companies" (H. P. 212) (Presented by Mr. Jordan of Saco)

(Ordered printed)

Sent up for concurrence.

#### Report of Committee

Mr. Grua from the House Committee on Elections on Communication of Harold I. Goss, addressed to the Speaker of the House transmitting returns of votes cast for Representatives reported the following Resolution:

RESOLVED that the several persons named in the Communication of Harold I. Goss, Acting Secretary of State, addressed to the Speaker of the House of Representatives of the 91st Legislature and dated January 6, 1943, are hereby declared representatives to the 91st Legislature and legal members of this House, with the exception of Charles F. Dwinall of Camden, whose name appears on the list and whose resignation has been accepted by the House.

Report was read and accepted, and the Resolution was read and adopted.

#### Passed to Be Enacted

Resolve Expressing the Appreciation of the State for the Gifts of Lands to the State by the Honorable Percival Proctor Baxter (S. P. 109)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

#### Orders of the Day

Paper from the Senate, out of or-

der and under suspension of the rules.

From the Senate: House Order, (H. P. 3), which was passed in the House on January 12, relating to special highway resolves.

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

The SPEAKER: It may be well for the Clerk to read the order.

The Clerk read the Order as follows:

WHEREAS, a National Emergency exists and the funds earmarked for highway purposes will, in the next fiscal year, be insufficient to provide the usual fund from which special highway and bridge Resolves are taken;

NOW THEREFORE BE IT ORDERED, the Senate concurring, that no special highway Resolve shall be received in either body of this Legislature.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I move that the House recede from its former action and concur with the Senate.

The SPEAKER: The gentleman from Bradford, Mr. Osgood, moves that the House recede from its former action whereby this Order received passage, and concur with the Senate in the indefinite postponement of this Order. Is this the pleasure of the House?

The motion prevailed, and the House voted to recede from its former action whereby this Order received passage, and concurred with the Senate in indefinite postponement of the Order.

On motion by Miss Clough of Bangor,

The House recessed until 4.30 o'clock this afternoon.

**After Recess—4:30 P. M.**

The House was called to order by the Speaker.

The SPEAKER: The Chair understands that Samuel J. Dana, who is the representative at the Legislature from the Passamaquoddy Tribe of Indians, is present. The Chair will ask the Sergeant-at-Arms to present him.

Thereupon the Sergeant-at-Arms conducted Mr. Dana to the center

aisle, for presentation, amid the applause of the House.

The SPEAKER: It is a privilege, Sir, to extend the greetings of the 91st Legislature to you on this occasion, when you report here officially to represent your people. Perhaps some members of the House may not be aware of the fact that during the first World War you suffered the loss of a leg serving the United States of America in the Expeditionary Force in France. You served your nation well in time of war. (Applause) You have also served your people well in time of peace. That is shown by the confidence they have continually placed in you by sending you back as their representative here, this session being for the third time.

For the remainder of the afternoon session the Chair wishes you to occupy Seat Number 5, which ordinarily belongs to the gentleman from Bangor, Mr. Southard, who was the fighting Commander of the fighting Battalion you served under in France.

Mr. Dana was then conducted to Seat No. 5 by the Sergeant-at-Arms, amid the applause of the House, the members rising.

At this point 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 Sumner Sewall to attend the Convention and present such communication as he may be pleased to make.

On motion by Mr. Sleeper of Rockland, 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.

The Senate then entered the hall of the House, and a Joint Convention was formed.

**In Convention**

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

On motion by Senator Emery of Hancock, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, Governor Sumner Sewall, and inform him that the two branches of the Legislature are in conven-

tion assembled, ready to receive such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee:

Senators: Emery of Hancock, Varney of York, Owen of Kennebec.

Representatives: Murchie of Calais, Sleeper of Rockland, Jacobs of Auburn, Seeger of Kittery, Doughty of Gray, Brewer of Presque Isle, Pelletier of Sanford.

Senator Emery, 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 Sumner Sewall, attended by the Executive Council, entered the Convention Hall, the members rising and applauding.

The CHAIRMAN: Ladies and Gentlemen of the Convention: His Excellency, the Governor.

The Governor addressed the Convention as follows:  
Mr. President and Members of the 91st Legislature:

In accordance with requirements of law, I am pleased to submit budget recommendations for the conduct of State government during the next two fiscal years.

You will be glad to note that proposed appropriations from general funds for carrying on the services of government now required by law are approximately \$600,000 less for the coming biennium than for the previous two years.

**Current Annual Revenues and Appropriations**

From the following estimated annual revenues it is proposed that the following annual appropriations be made from general funds to operate services required by present law:

	1943-44	1944-45
Estimated Revenues	\$13,221,300	\$13,209,927
Proposed Appropriations	11,997,483	12,110,127

Estimated Surplus	\$ 1,223,817	\$ 1,099,800
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Allowance for equitable increases in pay for State employees is included in these appropriations.

Additional appropriation has been provided for aid to dependent children.

Adjustments in old age benefits to reflect higher costs of living are being made from tobacco tax revenues which are running in excess of original estimates and which are earmarked for this purpose.

Provision for increase of salaries to the State Police will come largely from highway funds. Increases for the six patrolmen who are now being paid from General Funds can be made from this source.

From the estimated annual surpluses I recommend that the following amounts be made available for annual expenditure for the following purposes:

	1943-44	1944-45
For Civilian Defense and Emergency War Fund	\$300,000	\$300,000
For Increasing Teachers' Pay	500,000	500,000
For Teachers' Retirement Fund	143,373	154,302
For Increasing Salaries of Department Heads	25,000	25,000
For Liberalizing State Employees Contributory Retirement Law	10,000	10,000

If these recommendations are followed there will remain an estimated annual unappropriated balance of \$245,444 for the fiscal year ending June 30, 1944, and \$110,498 for the fiscal year ending June 30, 1945. It is reasonable to assume that some \$30,000 each year may be added to these balances if authority is granted by law to invest surplus State funds in short term U. S. government bonds.

Past experience indicates that these unappropriated balances should be sufficient to take care of legislative resolves.

You will note that all the above proposals represent annual operating costs, provisions for which are made properly from annual revenues.

**Expenditures from Surplus**

Other expenditures recommended in my inaugural message can be met properly from accumulated surplus inasmuch as these costs occur but once.

For the fiscal year ending June 30, 1942, State expenditures were \$2,070,000 less than revenues. It is estimated for the fiscal year ending June 30, 1943, that surplus of reve-

nues over expenditures will be approximately \$1,800,000.

During these two fiscal years, therefore, we shall have accumulated a surplus of nearly \$4,000,000.

Against this accumulated surplus I now propose the following non-recurring charges:

- \$ 617,168 to segregate from the Sinking Fund Reserve the present working capital of the State Liquor Commission. This is now shown and carried in the Sinking Fund Reserve but inasmuch as it is an encumbered balance it should be withdrawn and set up in a separate account.
- 582,832 to increase the above amount to make the total working capital of the Liquor Commission \$1,200,000. This total represents approximately twenty per cent of the cost of liquor sold annually.
- 95,000 to segregate from the Sinking Fund Reserve other working capital advances.
- 949,556 to meet the State's obligation to the Maine Teachers' Retirement Fund. This deficit has been incurred by failure to make appropriations to this fund since 1933.
- 32,500 to purchase a building which will serve as permanent quarters for the Motor Vehicles Division of the Secretary of State's Department.
- \$1,000,000 to establish a Post-War Planning Fund, as outlined in my Inaugural Message

\$3,277,056 Total.

After provision has been made for these various projects it is estimated that there will be an unencumbered balance of approximately \$1,000,000 in the Sinking Fund Reserve at the end of the next biennium.

This compares with \$433,655 shown at the beginning of the current biennium. I would remind you, however, that subtracting from this figure the \$617,168 present working capital of the Liquor Commission would have resulted in a true unencumbered balance in the Sinking Fund Reserve at the beginning of the current biennium of minus \$183,513.

Enactment of the above program will make financial provision for all proposals recommended in my inaugural message.

Should you in the course of this session act favorably upon projects for which provision has not been included in this proposed budget, I would ask that means of financing be provided.

It is my pleasure at this time to express my profound appreciation to your Budget Committee and to the State Budget Officer who have been of inestimable assistance in preparing this program which I now submit to you. In my opinion it is sound and constructive.

The adoption of this budget will give reasonable assurance to the people of Maine that governmental services now required by law can be maintained. It also will establish sound reserves, during these war times, for the demands of the future.

I wholeheartedly recommend the adoption of this program.

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

On motion by Mr. Rankin of Bridgton,

Adjourned until ten o'clock tomorrow morning.