

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fourth Legislature*

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 13, 1949

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

Prayer by the Rev. Mr. Golden, of Augusta.

Journal of the previous session read and approved.

**Papers From the Senate**

From the Senate:

Resolve in favor of Dr. Harold Libby, of Gardiner. (S. P. 32)

Resolve in favor of Arlo M. Adams, of Gardiner. (S. P. 33)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

From The Senate:

Resolve Granting a Pension to Ethel S. Dick, of Gardiner. (S. P. 36)

Came from the Senate referred to the Committee on Pensions.

In the House, referred to the Committee on Pensions in concurrence.

From the Senate: The following Report:

The joint select committee on mileage to which was referred the problem of reimbursing the members of the Legislature for expense of traveling to the Legislature and returning therefrom have had the same under consideration and ask leave to report the accompanying joint order and recommend its passage, the Order reading as follows:

**ORDERED**, the House concurring, that the members of the 94th Legislature be reimbursed for their actual expenses of traveling to the Legislature and returning therefrom once in each week of the session. Such reimbursement shall be for actual travel expense but shall not exceed 5c per mile. Whenever such travel is by automobile, it shall be the reasonably direct route between the member's place of abode and the state capitol.

Each member of the Senate shall

file with the Secretary of the Senate, and each member of the House of Representatives shall file with the Clerk of the House, at the end of each calendar month of the session, a travel expense account signed by the member.

Each travel expense account must be countersigned by the President of the Senate or the Speaker of the House or by their duly authorized agents. (S. P. 24)

Came from the Senate with the report read and accepted and the Order passed.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. **BURGESS**: Mr. Speaker, due to the absence of our Reporter, I would like to move that Item 4 lie on the table until a Reporter is able to attend.

The motion prevailed and the report and order were tabled pending passage in concurrence.

From the Senate:

Bill "An Act Appropriating Moneys for Old Age Assistance and Aid to the Blind" (S. P. 30) (L. D. 5)

Bill "An Act Appropriating Moneys for Board and Care of Neglected Children" (S. P. 31) (L. D. 6)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to a Non-resident Fishing License" (S. P. 34) (L. D. 7)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor

to Four-Year Terms (S. P. 35) (L. D. 8)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act Increasing Old Age Assistance and Aid to the Blind" (S. P. 37) (L. D. 9)

Came from the Senate referred to the Committee on Welfare.

In the House, referred to the Committee on Welfare in concurrence.

The following paper from the Senate was taken up out of order and under suspension of the rules.

The Clerk began reading.

The SPEAKER: A message has been received indicating that it is the wish of the Senate that this Order be returned to the Senate Chamber. Does the House have objection to the return of the Order to the Senate? Hearing none, the Order will be returned.

From the Senate: The following Order:

ORDERED, the House concurring that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 18, 1949 at 4:30 o'clock in the afternoon (S. P. 38).

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

#### **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:

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

Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary

War. (H. P. 18) (Presented by Mr. Littlefield of Kennebunk).

Sent up for concurrence.

#### **Claims**

Resolve in Favor of Donald Grant, of Bangor. (H. P. 19) (Presented by Mr. Atherton of Bangor).

Resolve in Favor of George B. Luce, of Gray. (H. P. 20) (Presented by Mr. Bennett of Raymond).

Resolve in Favor of Ralph H. Draper, of New Gloucester. (H. P. 21) (Presented by same gentleman)

Sent up for concurrence.

Resolve in Favor of George L. Varney, of New Gloucester. (H. P. 22) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

Resolve in Favor of Earle W. Vickery, of Greenville Junction. (H. P. 23) (Presented by Mr. Carle of Wellington)

Resolve in Favor of Vera G. Sawyer, of Greenville. (H. P. 24) (Presented by same gentleman)

Resolve in Favor of Joseph J. Sholik, of Methuen, Massachusetts. (H. P. 25) (Presented by Mr. Chute of Harrison)

Resolve in Favor of Mrs. Tomye C. Davino, of Sargentville. (H. P. 26) (Presented by Mr. Clapp of Brooklin)

Resolve in Favor of Philip I. Bartlett, of No. Brooklin. (H. P. 27) (Presented by same gentleman)

Resolve in Favor of George L. Bent, of Brooklin. (H. P. 28) (Presented by same gentleman)

Resolve in Favor of Harold J. Stinson, Stonington. (H. P. 29) (Presented by Mr. Clapp of Brooklin)

Resolve in Favor of Thelma Grindle, of Blue Hill. (H. P. 30) (Presented by same gentleman)

Resolve in Favor of Thomas Johnston, of Ellsworth (H. P. 31) (Presented by Mr. Dunham of Ellsworth)

Resolve in Favor of Colie Jordan, of Ellsworth. (H. P. 32) (Presented by same gentleman)

Resolve in Favor of Norman W. MacDonald, of Presque Isle. (H. P. 33) (Presented by Mr. Jamieson of Presque Isle)

Resolve in Favor of Howard W. Loring, of Avon. (H. P. 34) (Presented by Mr. Jennings of Strong)

Resolve in Favor of Raymond Joy, of Addison. (H. P. 35) (Presented by Mr. Lackee of Addison)

Resolve in Favor of Maynard Grant, of Columbia Falls. (H. P. 36) (Presented by same gentleman)

Resolve in Favor of Warren L. Corliss, of Cherryfield. (H. P. 37) (Presented by same gentleman)

Resolve in Favor of A. J. Perreault, of Skowhegan. (H. P. 38) (Presented by Mr. Lessard of Skowhegan)

Resolve in Favor of Clifton Bean, of Skowhegan. (H. P. 39) (Presented by same gentleman)

Resolve in Favor of Leslie Washburn, of Skowhegan. (H. P. 40) (Presented by same gentleman)

Resolve in Favor of Emile J. Thibault, of Skowhegan. (H. P. 41) (Presented by same gentleman)

Resolve in Favor of Norman Pratt, of Kennebunkport. (H. P. 42) (Presented by Mr. Littlefield of Kennebunk)

Resolve in Favor of Mary E. Turner, of Mapleton. (H. P. 43) (Presented by Mr. Merritt of Mapleton)

Resolve in Favor of Harvey Thomas, of Mapleton. (H. P. 44) (Presented by same gentleman)

Resolve in Favor of Solby Caruso, of Southwest Harbor. (H. P. 45) (Presented by Mr. Phillips of Southwest Harbor)

Resolve in Favor of Arthur Pickard, of Gardiner. (H. P. 46) (Presented by Mr. Johnson of Gardiner)

Resolve in Favor of Madelyn Ames, of East Poland. (H. P. 105) (Presented by Mr. Sanderson of Greene)

Sent up for concurrence.

#### **Inland Fisheries and Game**

An Act Relating to a Fifteen-day Non-resident Fishing License. (H. P. 47) (Presented by Mr. Fitch of Sebago)

(Ordered Printed)

An Act Relating to a Fifteen-day

Fishing License. (H. P. 48) (Presented by Mr. Wight of Bangor)

(Ordered Printed)

Resolve Opening Scraggly Lake, T. 7. R. 8. W.E.L.S., Penobscot County, to Ice Fishing. (H. P. 49) (Presented by Mr. Boulier of Stacyville Pkt.)

Sent up for concurrence.

#### **Judiciary**

An Act Relating to Proxies. (H. P. 50) (Presented by Mr. Atherton of Bangor)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election. (H. P. 51) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

An Act Relating to the Vinalhaven Port District. (H. P. 52) (Presented by Mr. Ames of Vinalhaven)

(Ordered Printed)

An Act Relating to Pensions for Members of Police Department for City of Bangor. (H. P. 53) (Presented by Mr. Atherton of Bangor)

(Ordered Printed)

An Act to Incorporate the Town of Burnham School District. (H. P. 54) (Presented by Mr. Brown of Unity)

(Ordered Printed)

An Act to Amend the Charter of the City of Bath. (H. P. 55) (Presented by Mr. McClure of Bath)

(Ordered Printed)

An Act to Create the Ellsworth School District. (H. P. 56) (Presented by Mr. Dunham of Ellsworth)

(Ordered Printed)

An Act to Incorporate the Town of New Sweden School District. (H. P. 57) (Presented by Mr. Philbrick of Woodland)

(Ordered Printed)

An Act to Incorporate the Town of Lisbon School District. (H. P. 58) (Presented by Mr. Plummer of Lisbon)

(Ordered Printed)

An Act to Create the Orland School District. (H. P. 59) (Pre-

sent by Mr. Sargent of Bucksport)

(Ordered Printed)

Sent up for concurrence.

#### Motor Vehicles

An Act Relating to Operators' Licenses. (H. P. 60) (Presented by Mr. Fitch of Sebago)

(Ordered Printed)

Sent up for concurrence.

#### Pensions

Resolve Providing for State Pension for Theresa M. Mains, of Raymond. (H. P. 61) (Presented by Mr. Bennett of Raymond)

Resolve Providing for an Increase in State Pension for Walter H. Bickford, of Monroe. (H. P. 62) (Presented by Mr. Foley of Winterport)

Resolve Providing for a State Pension for Deloris A. Demchak, of Lisbon Falls. (H. P. 63) (Presented by Mr. Plummer of Lisbon)

Resolve Providing for State Pension for George Byrus of Lisbon. (H. P. 64) (Presented by same gentleman)

Sent up for concurrence.

#### Public Health

An Act Relating to Funeral Directors and Embalmers. (H. P. 65) (Presented by Mr. Dorsey of Fort Fairfield)

(Ordered Printed)

Sent up for concurrence.

#### Sea and Shore Fisheries

An Act Relating to Use of Artificial Light in Taking of Herring. (H. P. 66) (Presented by Mr. Ames of Knox)

(Ordered Printed)

An Act Relating to Taking of Clams, Sand-worms and Blood-worms in Hancock. (H. P. 67) (Presented by Mr. Dufresne of Bar Harbor)

(Ordered Printed)

An Act Relating to Regulations for Atlantic Sea Run Salmon in Penobscot Bay Area. (H. P. 68) (Presented by Mr. Sargent of Bucksport)

(Ordered Printed)

Sent up for concurrence.

#### Ways and Bridges

Resolve in favor of the town of

Raymond (H. P. 69) (Presented by Mr. Bennett of Raymond)

Resolve in favor of Mount Chase Plantation (H. P. 70) (Presented by Mr. Boulter of Stacyville)

Resolve in favor of the town of Patten (H. P. 71) (Presented by same gentleman)

Resolve in favor of Stacyville Plantation (H. P. 72) (Presented by same gentleman)

Resolve in favor of the town of Medway (H. P. 73) (Presented by same gentleman)

Resolve in favor of the town of Medway (H. P. 74) (Presented by same gentleman)

Resolve in favor of the town of Wellington (H. P. 75) (Presented by Mr. Carle of Wellington)

Resolve in favor of the town of Harrison (H. P. 76) (Presented by Mr. Chute of Harrison)

Resolve in favor of the town of Sedgwick (H. P. 77) (Presented by Mr. Clapp of Brooklin)

Resolve in favor of the town of Stonington (H. P. 78) (Presented by same gentleman)

Resolve in favor of the town of Brooklin (H. P. 79) (Presented by same gentleman)

Resolve in favor of the town of Deer Isle (H. P. 80) (Presented by same gentleman)

Resolve in favor of the town of Bridgton (H. P. 81) (Presented by Mr. Cook of Bridgton)

Resolve in favor of the town of Bridgton (H. P. 82) (Presented by same gentleman)

Resolve in favor of the town of Falmouth (H. P. 83) (Presented by Mr. Dow of Falmouth)

Resolve in favor of the town of Sebago (H. P. 84) (Presented by Mr. Fitch of Sebago)

Resolve in favor of the town of Baldwin (H. P. 85) (Presented by same gentleman)

Resolve in favor of the town of Winterport (H. P. 86) (Presented by Mr. Foley of Winterport)

Resolve in favor of the town of Prospect (H. P. 87) (Presented by same gentleman)

Resolve in favor of the city of Presque Isle (H. P. 88) (Presented by Mr. Jamieson of Presque Isle)

Resolve in favor of the town of Weld (H. P. 89) (Presented by Mr. Jennings of Strong)

Resolve in favor of the town of Vineyard (H. P. 90) (Presented by same gentleman)

Resolve in favor of the town of Avon (H. P. 91) (Presented by same gentleman)

Resolve in favor of the town of Phillips (H. P. 92) (Presented by same gentleman)

Resolve in favor of the town of Harrington (H. P. 93) (Presented by Mr. Lackee of Addison)

Resolve in favor of the town of Milbridge (H. P. 94) (Presented by same gentleman)

Resolve in favor of the town of Cherryfield (H. P. 95) (Presented by same gentleman)

Resolve in favor of the town of Cherryfield (H. P. 96) (Presented by same gentleman)

Resolve in favor of the town of Steuben (H. P. 97) (Presented by same gentleman)

Resolve in favor of the town of Beddington (H. P. 98) (Presented by same gentleman)

Resolve in favor of the town of Addison (H. P. 99) (Presented by same gentleman)

Resolve in favor of the town of Kennebunkport (H. P. 100) (Presented by Mr. Littlefield of Kennebunk)

Resolve in favor of the town of Kennebunk (H. P. 101) (Presented by same gentleman)

Resolve in favor of the town of Kennebunk (H. P. 102) (Presented by same gentleman)

Resolve in favor of the town of Tremont (H. P. 103) (Presented by Mr. Phillips of Southwest Harbor)

Resolve in favor of the town of Lisbon (H. P. 104) (Presented by Mr. Plummer of Lisbon)

Resolve in favor of Madelyn Ames, of East Poland (H. P. 105) (Presented by Mr. Sanderson of Greene)

Resolve in favor of the town of Poland (H. P. 106) (Presented by same gentleman)

Resolve in favor of the town of

Poland (H. P. 107) (Presented by same gentleman)

Resolve in favor of the town of Wales (H. P. 108) (Presented by same gentleman)

Resolve in favor of the town of Greene (H. P. 109) (Presented by same gentleman)

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I move that Rule 25 be suspended for the remainder of today's session.

Mr. BURGESS: Mr. Speaker, I would like to ask—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BURGESS: Mr. Speaker, I would like some explanation in regard to the motion that has just been made.

The SPEAKER: The Chair will rule that the motion is not debatable. Does the gentleman now request unanimous consent to address the House?

Mr. BURGESS: I do, Mr. Speaker.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, requests unanimous consent to address the House. Is there objection?

The Chair hearing none, the gentleman may proceed.

Mr. BURGESS: Mr. Speaker and Members of the House: Please believe me, I smoke and I am very much in favor of the motion as made but, due to affairs that will take place in this Hall, I would like to suggest that the motion which has just prevailed be now reconsidered and that the House be not given permission to smoke for the time being.

Mr. THOMPSON of Brewer: Mr. Speaker, I move that the House take a standing vote. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that Rule 25 be suspended for the remainder of today's session. In order for the rule to be suspended, it will require the consent of two-thirds of the Members

present. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote was taken and doubted.

Mr. McGLAUFLIN of Portland: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McGLAUFLIN: Mr. Speaker, for information. I don't think we know on what we are voting. I want it made a little clearer what I am voting on before I vote. I understood that there was a motion to suspend Rule 25. I haven't yet heard that that motion has been disposed of and I understand that that is not a two-thirds vote. A two-thirds vote is to override that motion. I want to know what I am voting on.

The SPEAKER: The House may be at ease for a moment.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair will state that the pending motion before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that Rule 25 of the House be suspended for the remainder of today's session. The Chair will further state that Rule 58 provides as follows:

"No rule or order of the House shall be dispensed with unless two-thirds of the Members present shall consent thereto."

All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned their count.

A division of the House was had.

108 Members voted in favor of the motion.

The SPEAKER: The monitors will now return the number present in their sections.

143 Members were reported to be present.

The SPEAKER: 143 Members being present, 108 having voted in the affirmative, the motion prevails. (Applause)

The SPEAKER: The Chair would like to explain to the House that the House is awaiting additional papers from the Senate. We do not have a reporter here today, to take up the matter which is now on the table. Therefore, very shortly the House will be placed at ease, pending which, however, the Clerk would like to read a notice off the record.

#### House at Ease

The House was called to order by the Speaker.

The SPEAKER: Is it now the pleasure of the House to take up out of order additional papers from the Senate?

From the Senate: The following Communication:

#### STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA

January 12, 1949

The Honorable President  
of the Senate

The Honorable Speaker  
of the House

Ninety-fourth Legislature  
Gentlemen:

It is a pleasure and a privilege to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, a former Governor of Maine, in which he offers an additional 14,286 acres of land comprised in three tracts in Piscataquis County, and one tract in Penobscot County, for inclusion in Baxter State Park. All of this land is designated for public purposes.

Please note that the Honorable Mr. Baxter's communication is accompanied by two Acts. First, an Act accepting the 14,286 acres, and, second, an Act amending by mutual consent certain provisions of the laws of 1945 and 1947 relating to construction and maintenance of roads within the Park area. The Honorable Mr. Baxter states that in his opinion, the original deed of gift provisions as to roads seem somewhat too severe, and it is his desire to change them, in order to provide latitude for road construc-



tion and maintenance in future years.

If you accept this extraordinary gift, the Baxter Park area will contain 141,712 acres, which will be maintained in the natural wild state of this beautiful region. Prior gifts have been ten in number, and have been accepted by ten legislative Acts and by two Resolutions of the Forestry Commissioner and the Governor and Executive Council.

Mr. Baxter's altruistic beneficence will make certain that this vast area be kept in its natural state for the enjoyment of all Maine citizens and for the pleasure of thousands of visitors who come to Maine each year in search of unspoiled, healthful recreation, and will guarantee in perpetuity this immense area of the State which includes Mount Katahdin.

It is urged that you give your most serious consideration to the immediate acceptance of this gift under the terms and conditions as defined in the acceptance Act and the Act amending by mutual consent certain provisions in the current law relating to construction and maintenance of roads within the Park area. (S. P. 25)

Sincerely yours,

(Signed) **FREDERICK G. PAYNE**

Came from the Senate read and ordered placed on file.

In the House, was received out of order under suspension of the rules, read and ordered placed on file in concurrence.

From the Senate: Communication was received from the Honorable Percival P. Baxter concerning gift of 14,286 acres to the State of Maine (S. P. 26)

Came from the Senate read and ordered placed on file.

In the House, was received out of order under suspension of the rules, read and ordered placed on file in concurrence.

From the Senate: Bill "An Act Amending the Deeds of Gift of Land in Piscataquis County Donated to the State of Maine by Percival Proctor Baxter dated Jan. 2, 1945 and Jan. 8, 1947 and accepting the

Amended Deed of Gift Dated January 3, 1949" (S. P. 27)

Came from the Senate, given its two several readings under suspension of the rules and passed to be engrossed.

In the House, the Bill was received out of order and under suspension of the rules, given its three several readings without reference to a committee and passed to be engrossed in concurrence.

From the Senate: Bill "An Act Accepting from Percival Proctor Baxter the Gift of 6,247 Acres and 536 Acres Township 6, Range 9, Piscataquis County, 1,486 Acres Township 6, Range 8, Penobscot County and 6,017 Acres Township 3, Range 10, Piscataquis County (S. P. 28)

Came from the Senate given its two several readings under suspension of the rules and passed to be engrossed.

In the House, the Bill was received out of order under suspension of the rules, given its three several readings without reference to a committee and passed to be engrossed in concurrence.

From the Senate: The following Order:

**ORDERED**, the House concurring, that in order that the records of the Gifts by Percival Proctor Baxter, individually and as Trustee, to the State of Maine as Trustee in Trust of fourteen thousand two hundred eighty-six (14,286) acres in township six (6) range nine (9) and in township three (3) range ten (10) W.E.L.S. Piscataquis County, and in township six (6) range eight (8) W.E.L.S. Penobscot County (Baxter State Park), be complete and in enduring form, the Communication dated January 3, 1949 addressed by said Baxter to Honorable Frederick G. Payne and to the Honorable Senate and House of Representatives of the Ninety-fourth Legislature, together with the Message of Governor Frederick G. Payne, transmitting the said Communication to this Legislature, be printed in the Laws of Maine for 1949 (S. P. 29)

Came from the Senate read and passed.

In the House, was taken up out of order under suspension of the rules, read and passed in concurrence.

#### Passed to be Enacted

An Act Amending the Deeds of Gift of Land in Piscataquis County Donated to the State of Maine by Percival Proctor Baxter dated Jan. 2, 1945 and Jan. 8, 1947 and accepting the Amended Deed of Gift Dated January 3, 1949 (S. P. 27)

An Act Accepting from Percival Proctor Baxter the Gift of 6,247 Acres and 536 Acres Township 6, Range 9, Piscataquis County, 1,486 Acres Township 6, Range 8, Penobscot County and 6,017 Acres Township 3, Range 10, Piscataquis County. (S. P. 28)

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

The SPEAKER: Is it now the pleasure of the House to take up out of order and under suspension of the rules, two additional papers from the Senate?

From the Senate: The following Order:

ORDERED, the House concurring, that no bill for private or special legislation be received by this legislature after one o'clock on the afternoon of Wednesday, February 9th, 1949, and that no other bill or resolve be received by this legislature after one o'clock on the afternoon of Wednesday, February 16th, 1949, except by unanimous consent in the body in which it is introduced, and it is further

ORDERED, that any bill or resolve which shall be received in either body of this Legislature by unanimous consent, after the times above set, shall stand referred to the Ninety-fifth Legislature if unanimous consent for its reception is not given in the other body in concurrence. This order 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 Ninety-fourth Legislature; and it is further

ORDERED, that the Secretary of the Senate cause a copy of this order to be published in all the daily and weekly papers of the State, commencing February 1st, 1949 and continuing up to and including February 16th, 1949. (S. P. 51)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I would like to take from the table Item 4, being Senate Paper 24, which was tabled earlier in this morning's session.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, now moves that Item 4 on today's calendar, S.P. 24, be taken from the table, this order having been tabled by the same gentleman earlier in this morning's session. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I would like to make a very brief explanation of the reasons which guided your committee in arriving at the order relative to mileage.

First, we were guided by the Constitution of the State and the amendment which was approved by the people recently.

As perhaps everyone knows, previous to that amendment travel was paid to the members of the Legislature once during each session. The amendment allowed that payment for travel could be made once each week of the session. The order which you have upon your desks and which is now before us for consideration is only intended to be a temporary order, to put in operation

the mechanics at this session and at once, so that the members may begin to receive traveling expenses.

It was the thinking of the committee that before the statute was changed, or, in order to change the statute, that a bill or several bills would no doubt be presented, to be referred to the appropriate committee where hearing in due time would be held, and, as a result, a fair arrangement would be made and placed upon our statute books for future use.

This order may not be what any of you wish. As I have stated, it is only intended to be a temporary order. It was the thinking of the committee that expenses in traveling to and from the Legislature meant exactly that. We sought the advice of the Attorney General's office, and, not being a lawyer, I cannot speak with authority myself and I do not attempt to, but we were given to understand that any payment in excess of actual expenses would be considered as additional compensation which we have no right to arrange for ourselves. I think a reading of the bill, which has also been distributed among you, will explain the workings of this particular order. I know there will be disagreement with this, and I hope that any member of the House will voice his or her opinion and that it will be given all the consideration that you desire. I only ask that you be reminded that the order on which you are about to decide is only to be a temporary matter.

**THE SPEAKER:** The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

**MR. McGLAUFFLIN:** I wish to address this House, Mr. Speaker, so that every man and woman here can hear what I have to say. If you cannot hear me, let me turn around now. In 1859, the Legislature of this State passed a law that the Members of this House should have travel—ten cents a mile is what it meant. It said two dollars for each ten miles once during the session. It did not say that you

had to account for each mile of travel; it did not say that if you got a ride home with a friend that you had to deduct that amount from your allowance. And, at the time that that measure was passed, every Member of the House and Senate had a free pass on the railroad. Why don't we go back and ask all those former members to pony up—make up the extra pay that they got that they shouldn't have had.

I want to point out to you that for ninety years, the Legislatures of this State have allowed one travel, ten cents a mile both ways. If the Constitution had been changed to say that we got travel twice instead of once, as the old Constitution did read, I would consider that I got just twice as much as I did before. I was taught from childhood that one and one make two and that if I added another one that made one more. And most of us were able to count up to twenty, and if we are here seventeen weeks, we are entitled to pay at ten cents a mile for seventeen weeks. We were paid ten cents a mile in 1947, once. If we were entitled to ten cents a mile in 1947, we are entitled to ten cents a mile in 1949, and if they allowed ten cents a mile in 1859, when the dollar was worth two times as much as it is today, we are surely entitled to that ten cents a mile today.

Now the moment you start to argue the logic of this thing, somebody comes up and says, "Oh no, you are getting too much money." I want to point out to you that that is not the question before the House at all. When the bill came up before this Legislature for increasing our pay in 1947, I opposed it for two reasons. One reason was because just four years before we had increased our pay and the other reason was I felt that to be elected to this House was an honor and not a money-paying proposition, and the House debated that proposition.

Then there was introduced this measure and whether you like it

or whether you don't, the people of this State changed the Constitution so that you were to get pay every week. What did they mean? Did they mean that where we got ten cents a mile for the last ninety years, we were only going to get five cents a mile from now on, or one cent a mile? Who is telling us that we are going to take five cents a mile? Am I so interested in what I get out of this mileage that I stand up here and fight in this Legislature, today? No! There are one hundred thirty or forty Members in this Legislature who don't know their rights and they don't know how to protect themselves. I am a lawyer and I am a fighter and I am taking this on my own shoulders to see that you get what belongs to you and I want you to back me up and you will get it. (Applause)

I have a decision in 69 Maine that says: "He," referring to members of this Legislature, "is entitled to mileage on the first day of the session." You should have had your mileage last week. You should have had it again this week. As a lawyer, I give you my opinion that there is no need of any new legislation at all and I am going to tell you where I get my authority. However, the Attorney General's department which has not considered this matter half as much as I have do not quite see it that way. Therefore, let us comply with the all-knowing Attorney General's department, and I have put in a bill that will be in here next Monday or next Tuesday that changes the Statutes to comply with the Constitution and, in due course of time I have added an emergency clause. I want every last man in this House to fight for his rights and pass that bill as an emergency measure and get it out of the way and let us attend to something more important.

Before I elaborate on that, I want to say that I am completely amazed that the Members of this House and the Members of the Senate have got to, figuratively

speaking, go crawling on their hands and knees up to the President of the Senate and the Speaker of the House and let them pass upon our integrity each week. They can't take our word for what we have paid. They have got to turn it down if they want to. I say it is an insult to this Legislature. We are the men who are going to take care of one hundred and thirteen million dollars. We are considered big enough to do that job and yet Members of this Legislature have got to ask the Speaker of the House and the President of the Senate to say whether we spent so much money on our trips home.

Say, I have here a newspaper and I have several pencils used in the Judiciary Department. Extra compensation! Why don't we account for that? We get five dollars postage. That is extra compensation. Why don't we account for that? Can't you see how damnably absurd the whole proposition is, making Members lay down their dignity to the extent of crawling on their hands and knees and saying, "Please pass my mileage."

Now, someone has the asinine idea that we have got to account for traveling expenses. As I pointed out to you a moment ago, the Members of this Legislature were entitled to their ten cent mileage when it didn't cost them a cent. This is an allowance for travel expense. It was never intended that we should account for it on an itemized basis. They could have made it forty cents and they would still be within their rights. The suggestion has been made here—now get this—this makes me boil to see such unreasoning by-play: The Constitution has just been amended saying we can have this increase. And now they tell us that it is contrary to the Constitution if we get it. Did you ever hear anything more damnably absurd than that is?

Let me read a little bit. I have been looking at a little law myself. I don't take my law from the Attorney General's office. I have had a few occasions to differ with

the Attorney General but we agree that the method as to changing this can be worked out.

Get this point: Another rule to which recourse is had in determining the severability of statutes is that non-essential portions may be eliminated and effect given to the remainder."

What does this mean? It means just this: Where the statute says, "Two dollars for every ten miles traveled from the place of abode once each session," but by necessary implication the Constitution has struck out the words "once each session" and the ten cents a mile is still there and I want to tell you Members that no matter what damnable rules they pass here, you are entitled to ten cents a mile until this Legislature passes some other rule, as it takes more than an order to override your rights on that matter. I am against this matter even if it is a temporary measure. Let us work this out and get what is coming to us before they say, "we have established a precedent of five cents a mile and can't get back the rest of it."

"That the incidental details may be stricken out impairing the general scheme of the enactment. In adopting constitutions, the people frequently leave to the legislature the enactment of statutes as to detailed matters, in order to make provisions fully operative."

Get this one! I have taken this from Constitutional law. I have the authority if anyone wants it. "Any exercise of power by the legislature, which for a long time has passed unchallenged, must be deemed to have been approved by the people." And if we have had ten cents a mile for ninety years, whether that was constitutional or not, it comes pretty near being approved by the people of this State.

I want to quote another. I will be through sometime today. "A constitutional provision which is not self-executing does not usually repeal or otherwise affect existing constitutional provisions, statutes or ordinances, before the enactment

of legislation putting it into effect; and as a general rule"—this is the law, Members, I am reading you — "such constitutional provisions, statutes and ordinances remain in force until the necessary legislation is enacted."

I say to you that ten cents a mile is in force this minute and you are entitled to it in spite of hell or high water.

Here's another one: "To the extent that existing statutes are not expressly or impliedly repealed by the Constitution or by constitutional amendment may remain in full force and effect."

Another one, "An amendment to the Constitution must be held to amend the existing statute law to agree with such amendment." Doesn't that back up my statements? I am going to read that again. "An amendment to the Constitution must be held to amend the existing statute law to agree with such amendment." "If it is self-executing, it necessarily annuls all inconsistent acts of the legislature passed prior to its adoption."

I will be through by and by.

"The constitutional provision is self-executing when it is complete in itself and becomes operative without the aid of supplementary or enabling legislation. A provision is self-executing when it can be given effect without the aid of legislation and there is nothing to indicate that legislation is contemplated in order to render it operative. Provisions are self-executing when there is a manifest intention that they shall go into immediate effect and no ancillary legislation is necessary to the enjoyment of the right given or the enforcement of the duty proposed. That a right granted by a constitutional provision may be better or further protected by supplementary legislation does not of itself prevent the provisions in question from being self-executing."

Just let me read part of that again. "Provisions are self-executing where there is a manifest intention that they shall go into immediate effect." Now all that is

changed in the Constitution by substituting the words "once a week" for the words "once a session". Is there an eight year old child in the State of Maine, who has any reasoning power at all, who wouldn't conclude that, if you get two travels you get twice what you did before and if you get seventeen travels, you get seventeen times what you got once. It isn't a question of whether it is fair that Arostook County gets more than I do. It is/a question that the people of this State have passed upon, and they say that we are entitled to travel every week, and I am telling you, gentlemen, you are entitled to the travel that has been established for the last ninety years, and that means ten cents a mile every week and it doesn't mean you have got to wait four weeks. You are entitled to it each week. As I have already pointed out, "he is entitled to mileage on the first day of the session," and that, under the Constitution, means that you are entitled to it every single week. I want this matter discussed but when we get through, for Heaven's sake, let's throw this order out of the window. (Applause)

The **SPEAKER**: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. **McCLURE**: Mr. Speaker and Members of the House: We are not a totalitarian state; we abide by the Constitution. I am not a legally trained member of this House; I am only speaking as a layman. I have had many arguments in the past with my colleague, the gentleman from Portland, Mr. McGlauffin. At all times when it comes to a point of law, he is one of the first I would seek for advice. I believe the people of the State of Maine understood what they were voting for when they were voting for the Constitution.

I believe we could throw this other bill out and go according to the law of the State of Maine. To me it will make very little difference as to the amount of money I will receive but I do not believe that the men who come a long distance

should be penalized. I believe in going along one hundred per cent with our colleague, Mr. McGlauffin. (Applause)

The **SPEAKER**: The question before the House is on acceptance of the report of the Committee.

The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. **MALENFANT**: Mr. Speaker and Members of the House: I cannot help from getting up and saying I admire the member from Portland, Mr. McGlauffin, and I wish we had other men like him in this House. I think his statement is very fair and well-reasoned. I agree with the gentleman from Bath, Mr. McClure, that in September the people voted to pay us our mileage once a week. Why should we now have to wait? What difference does it make if I come up in the car of the gentleman from Bath, Mr. McClure? I have got to pay my fare if I come up with another party. He has got to support his own car, and he has a right to charge me for my fare. Are you going to deprive him of my mileage once a week because I travel with him in his car? I say that I have the greatest respect for a man like the gentleman from Portland, Mr. McGlauffin.

The **SPEAKER**: The question before the House is on the acceptance of the report of the Committee.

The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. **BURGESS**: Mr. Speaker, I wish first to pay my respects to the gentleman from Portland and my good friend Mr. McGlauffin. I too admire him for the remarks that he has made, but, representing the committee which was appointed to put the mechanics in operation, I feel it my duty to point out to you this: The matter of the mileage and its constitutional standing was asked of the Attorney General's department, and the committee believed that they must be guided by his ruling. The question, I believe, for you to decide at this time is whether or

not you wish to put into action a measure by which you will be paid for your travel. The committee recognized fully and well that the statute should at least be reconsidered and that the proper place and time for its reconsideration was with a bill which would come before the proper committee for its regular hearing and to be decided upon by debate as in the case of any other change, and be enacted. It is fully within the province of the Legislature to set the mileage at any figure they wish, and whatever the majority shall decide. I personally will be happy to abide by it. But, again, I feel it my duty to say to you that I believe the action of the Legislature should be guided and must be guided by those decisions from the Attorney General's Department and the Attorney General whom you have elected. I do not take issue in any way, shape or form with the amount of money which you should receive. I only argue that the proper place for it to be first decided is before a committee after a proper bill such as Mr. McGlauffin proposes is published and is given a fair hearing.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFFIN: Mr. Speaker, inasmuch as the question has been raised on the attitude of the Attorney General, I have it in writing right in my hand: "With reference to your oral inquiry relating to the Constitutional Amendment adopted and proclaimed by the Governor whereby the provision relating to expenses of members of the House of Representatives in traveling to the legislature and returning therefrom was changed from **once in each session to once in each week of each session:**

"As the expense of traveling is reimbursement for expense incurred, it is not compensation as used in the preceding sentence of Section 7".

The Attorney General has ruled right here that your traveling ex-

penses have nothing to do with your compensation as a Member of this Legislature. Isn't that plain? That is from the Attorney General's office, in black and white. Don't, for Heaven's sake, quote them any more. You have got the idea that you are scared of a shadow. Somebody has said, "Why are you abiding by the Constitution that was passed one hundred years ago when we have just passed an amendment saying that you can have this expense account and now they say we can't?" What rot!

"The existing statute, Chapter 9, Section 2, fixes the allowance for travel at \$2 for every 10 miles to a member of the legislature from his place of abode once in each session."

I don't agree with the Attorney General, but I agree with what he says: "This legislation is now superseded by the Constitutional Amendment." I say that it is so much of the thought that the Constitution wipes out is out, and the rest of it stands, but I am willing to go along with the Attorney General. "This legislation," he says, "is now superseded by a constitutional amendment and the question, therefore, arises whether it would be essential to repeal so much of said section as is in conflict with the Constitution and substitute therefor legislation in conformity with the Constitution fixing the rate for travel", and that is exactly what I have done. I have conferred with both the Attorney General and his assistant. They do not differ with me on that point at all. I say that isn't necessary but I have weighed my opinion of that thing and agree with the Attorney General, but I don't want us to start out on the wrong foot.

They say you get your money—the money—not the half of what you are entitled to if you let this order go through. I now move, Mr. Speaker, that this order be indefinitely postponed.

The SPEAKER: The Chair will move that the order is not before the House and will inquire of the

gentleman if he cares to make any other motion.

The pending question is on the acceptance of the report of the committee.

Mr. McGLAUFILIN: Mr. Speaker, I want to make it clear that I am opposed to the report and I am opposed to the order and I hope I have made it clear.

Mr. McCLURE: Mr. Speaker, when we vote on this matter I move that the vote be taken by division of the House.

The SPEAKER: The gentleman from Bath, Mr. McClure, has asked for a division. The pending question is on the acceptance of the report of the committee. The gentleman from Bath, Mr. McClure, has requested a division. Is the House ready for the question? As many as are in favor of the acceptance of the report of the committee will rise and stand in their places and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Nine having voted in the affirmative and one hundred twenty having voted in the negative, the report of the committee is not accepted.

Thereupon, on motion of the gentleman from Portland, Mr. McGlaufilin, the report was indefinitely postponed in non-concurrence and was sent up for concurrence.

#### Orders of the Day

The SPEAKER: The Chair at this time will place before the House the first tabled and today assigned matter "Joint Order Creating a Joint Select Committee to consider necessity for Constitutional Revision (H. P. 17)". The Clerk will read the order.

ORDERED, the Senate concurring, that a joint select committee be created, to consist of 7 members on the part of the House with such as the Senate may join, to consider forthwith the need for revision of the Constitution of the State of Maine either with respect to need for general revision or revision of

particular sections; and in case of a finding of apparent need by said Committee, to report to this Legislature on or before February 16, 1949 its recommendations of appropriate procedure either by bill creating a Constitutional Convention under instruction to consider and propose a general revision or by resolves proposing particular Constitutional Amendments deemed to be urgent and suitable for consideration in regular order by this Legislature including appropriate committee reference and public hearing or by any other method deemed appropriate.

On January 12th, this order was presented by the gentleman from Cape Elizabeth, Mr. Chase, and on further motion by the same gentleman was tabled pending passage and today assigned for consideration.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I realize that the hour is late and what I have to say in explanation of this order will be brief, and if there is discussion on it it is perfectly agreeable to me to carry it over. I will explain the order briefly at this time.

Earlier this morning as we listened to the timberland boundary description and deeds of conveyance I despaired at being able to persuade the House that the Constitution is a complicated document. Since that time we have had an argument on a constitutional point which seems fairly simple, so differences of opinion are easy. Now I think it is generally recognized that there is an important opinion among people of Maine that certain changes or revisions in the Constitution of Maine are desirable, some say solely in the interest of clarity and workability; while others believe that a more general revision is desirable. I take no side in that except to recognize that there is a public demand and raise the question of how the Legislature should recognize it. When we came here



last week we took an oath to uphold and defend the Constitution of the State of Maine, and to a layman it is a little difficult to uphold and defend anything which no longer means what it seems to say.

To give one specific example of a constitutional point which is pretty important and which will become more so, I want to read to you what the Constitution says about support of schools. It says that the Legislature—this is Article VIII—“the Legislature are authorized and it shall be their duty to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools.”

Now it seems pretty clear that the original intent of that article was that the towns should pay for their own schools. Later on, as the State had money which it could give to the towns, it was interpreted by law to mean that the towns had to appropriate a certain amount per pupil but that the State could add to that, and a court made an effort to distinguish between suitable support which the towns had to give and sufficient support, a rather difficult decision which a later court decision criticized.

Now here are two lines in the Constitution which I encountered in trying to meet an educational problem, and it took me a whole day to read the cases bearing on the point. I have not yet found anywhere any official opinion of court or Attorney General which explains to me why the State ever did start or authorize constitutionally paying out State-Aid money, but we do, and we all know we shall continue to do it.

The same point came up when the Governor, who took the same oath to uphold and defend the Constitution that we did, advised us that perhaps we ought to give some money to the towns to build school buildings. Now that is an entirely new adventure to the State, and I point out to you that while one can distinguish techni-

cally between a suitable amount of money and a sufficient amount of money, it is going to be pretty difficult when you get into building to distinguish between a suitable building and a sufficient building. That point needs to be clarified so that we know what it means.

Another point—and those of the last Legislature will be familiar with it — the Constitution establishes a municipal debt limitation in terms of per cent of valuation. It was not in the original Constitution; it came in the 1870's because after the Civil War towns went wild and borrowed money to build railroads, and many of them lost it all and some of them defaulted on their bonds, so the Constitution was amended so they could only borrow a certain percentage of their valuation. Twenty-five or thirty years later, it became desirable to form water districts to take over water companies, so a device or subterfuge to get around the Constitution was created by which by forming water districts a town could get out into the clear and enlarge its debt limit. This evasion came out of that provision of the Constitution.

The last session of the Legislature considered about forty school districts admittedly unnecessary for any purpose whatever except to get around the provision in the Constitution on the debt limitation, and this Legislature, by reason of the fact that the constitutional provision is still the same, to consider about seventy of those school district bills, all unnecessary, involving great trouble and expense which can be entirely disposed of by modernizing the provision of the Constitution. Everybody knows that debt exists today way over the debt limit, and no one knows how much it is, because in some places there are three or four superimposed districts and you cannot go anywhere to see how much debt does lie against the property in that town.

What, then, is the purpose of this order? This order would create a committee and that committee would consider first: Is re-

vision needed? And, second, if revision does appear to be needed, what is the best way to go about it? Is it so big a job that we ought to have a constitutional convention? If so, bring in a bill. If it is a job which this Legislature can and should tackle, by four or five or six amendments which can be proposed, let the committee suggest what those amendments are. The procedure does not involve trespassing in any way on the prerogative of any committee. This committee could not introduce any bill which any member here could not introduce if he wanted to. If the bills and resolves come from this committee suggesting constitutional amendments, they will come in under this order in regular procedure and they will be referred to the appropriate committee for public hearing later on the same as any other resolves which you and I might introduce; but it would put behind it, if the House does believe that the time has come when certain provisions of the Constitution should be revised, it would put behind that program the considered opinion of the Legislature that this is something we ought to tackle and do the best we can about it.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that H. P. 17 receive passage. Is this the pleasure of the House?

The motion prevailed, and the order received passage and was sent up for concurrence.

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The SPEAKER: The Chair understands at this time there are vacancies existing on the Legislative Research Committee on the part of the House, occasioned by the fact that former Representatives Collins of Caribou, Mr. Allen of Portland, Mr. Elliott of Corinth, Mr. Broggi of Sanford are no longer members of the House. Acting in accord with the authority granted, the Speaker will appoint the following members to serve on the Legislative Research Committee: The gentleman from Cape Elizabeth, Mr. Chase, the gentleman from Monmouth, Mr. Marsans, the gentleman from Machias, Mr. Hayward and the gentleman from Lovell, Mr. McKeen.

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On motion by Mr. Campbell, of Augusta,

Adjourned until Tuesday, January 18, at 4:30 o'clock in the afternoon.