

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

Special Session, February 6, 1950

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, Feb. 7, 1950

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

Prayer by the Reverend Mr. Riedel of Augusta.

The Journal of the previous session was read and approved.

The gentleman from Lincoln, Mr. House, was granted unanimous consent to address the House.

Mr. HOUSE: Mr. Speaker and Members of the House: At the regular session of the 94th Legislature we passed an act to incorporate the Lincoln Water District. This act came before the Public Utilities Committee, from which I got a unanimous "Ought to pass" report.

The Lincoln Water Company is owned in Boston. The Company owns five water districts, of which the Lincoln Water District is one. Owing to the death of some of the principal owners, they decided to sell all the five water districts, including the one at Lincoln.

We own our own sewer system, and the Town of Lincoln wants to buy the Lincoln Water District for the reason our rates are very high. We pay \$39.20 for one faucet in the sink, one flush, one lavatory, one bath-tub and one sill cock.

Several bonding companies have offered to buy the Lincoln Water District and turn it over to the Town of Lincoln to manage and take their pay as the water rent comes in. In other words, the Town of Lincoln has not got to invest a dollar.

Under this act, it required a referendum of the voters of the Town of Lincoln. It further specifies that 25 per cent or more of the legal voters of Lincoln shall take part in the voting and 25 per cent of the legal voters was 308 for the total vote for Governor was 1232.

The Councilors posted a warrant in the Post Office for a special town meeting, but failed to notify the people through the daily papers.

Owing to that and the fact we have a delivery each day, very few people have occasion to visit the post office. Only 206 turned out to vote, or 102 short of the required number. The vote was 183 for the act, 20 against, and 3 defective ballots. In two weeks, they issued another warrant for a special town meeting for the same purpose, in which they got a vote of 432, 417 yes and 15 no. The matter was referred to the Attorney General for his decision and he decided that the second vote was illegal as there could be only one vote on a referendum.

Now, the only way for the Town of Lincoln to get quick action on their problem is for the Legislature to permit another vote. That is all this bill asks for. The wording is just the same as the previous bill which you passed last winter. I would not ask for this favor except that it is an actual emergency. So I am asking unanimous consent to introduce this bill. It is prepared as an emergency measure so it can go into effect immediately if passed, as it will require no committee hearing and neither will it cost the State a cent nor prolong the session of the Legislature. I am simply asking for a chance for the people to vote again. If they do not have this chance, it has got to go over for a year to the next session of the Legislature, and we are afraid that if it goes over a year somebody else will buy it and the Town of Lincoln will have to pay a bonus in order to get the water system which we badly need. I thank you.

The SPEAKER: The gentleman from Lincoln, Mr. House, presents a bill and requests unanimous consent for its introduction. The Clerk will read the title.

The Clerk then read the title of the bill as follows:

Bill, "An Act to Incorporate the Lincoln Water District."

The SPEAKER: Is there objection to the introduction of the bill?

Mr. BROWN of Unity: Objection, Mr. Speaker.

The SPEAKER: The Chair hears objection and the bill has not been received.

The **SPEAKER**: The Chair at this time notes the presence in the balcony of the Hall of the House of a group from the Civics Class of Greeley Institute in Cumberland Center. In behalf of the House, we bid you welcome here this morning. (Applause)

Orders

On motion by Mr. Palmer of Nobleboro, it was

ORDERED, that Herbert Nilson of Hallowell, be Acting Page of the House in place of Paul Bubar, who is excused from further attendance to return to his college studies.

On motion by Mr. Bates of Orono, it was

ORDERED, that Representative Walter T. Thomas of Hampden, be excused from attendance at this special session of the Legislature because of illness.

AND BE IT FURTHER ORDERED, that the Clerk be directed to send flowers to Mr. Thomas, and express to him the hope of the members of the House that he will have a very speedy recovery.

The **SPEAKER**: The Chair at this time takes considerable pleasure in introducing to the House a former citizen of the State of Maine who taught school for five years in the County of Aroostook and who is perhaps better remembered locally from the fact that he was for nineteen years Principal of Cony High School. In 1942 he went back to the old homestead in the State of Vermont. He subsequently has been elected to the Vermont Legislature and is at this time serving his second term and is the current Chairman of the Committee on Education.

I take pleasure in presenting to the House the Hon. Everett V. Perkins of Vermont. (Applause, the members rising)

Mr. EVERETT V. PERKINS: Thank you, Mr. Speaker and I am very delighted to be here.

The **SPEAKER**: If there be no further items of business to come

before the House, the Clerk will read the notices.

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

Mr. BURGESS: Mr. Speaker, I move the House recess until the sound of the gong.

The motion prevailed and the House so recessed.

After Recess

The House was called to order by the Speaker.

On motion by Mr. Burgess of Limestone, recessed until 2:30 P.M.

After Recess

Called to order by the Speaker.

On motion by Mr. Dennett of Kittery, it was

ORDERED, that the Clerk of the House be directed to send flowers to Representative Maurice E. Hobbs of South Berwick, and that he express to Mr. Hobbs the regret of the members of the House at his inability to be present during the session.

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

Memorial To The Congress Of The United States

STATE OF MAINE

In the Year of our Lord One Thousand Nine Hundred and Fifty.

MEMORIAL

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the Ninety-fourth Legislative (Special) Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, in view of the fact that there is being planned in the State

of Maine, to be held on July 25, 1950, a celebration of national scope on the occasion of the two-hundredth anniversary of the birth of Major General Henry Knox, friend of Washington; and

Whereas, Major General Henry Knox held the distinguished positions of Head of the Department of Artillery in the American Revolution, 1776-1783; Secretary of War in the National Government, 1785-1794; New England's greatest single industrial promoter, 1795-1806; and Proprietor of the Waldo Patent in Maine, and who built a beautiful home on the bank of the Georges River and lived in Thomaston; now, therefore, be it

Resolved: That we, your Memorialists, do hereby respectfully petition and urge the Members of Congress to give early recognition to this great historic occasion with full approval and support of the events of the year, and pray the Congress of the United States through our Senators and Representatives to pass appropriate legislation authorizing the issue of a postage stamp showing the beautiful "Montpelier" with a portrait of General Henry Knox in recognition of these historic events of national importance; and, also, to pass appropriate legislation to have a coin struck to mark the occasion of his eminent military, political, and industrial service to our country; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State, by registered mail, to the proper officers and committees of the United States Senate and House of Representatives, the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Came from the Senate on February 7th, read and adopted.

In the House, under suspension of the rules, the Memorial was read and adopted in concurrence without reference to a committee.

House Committee Report

The following report was taken up out of order under suspension of the rules:

Mr. Jennings from the Committee on Federal Relations reported "Ought to pass" on Bill "An Act relating to Payment of Benefits under Employment Security Law" (H. P. 2127) (L. D. 1627)

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Fitch.

Mr. FITCH: Mr. Speaker, I move that the bill be laid on the table and specially assigned for 10:15, February 8th.

The SPEAKER: Will the gentleman from Sebago, Mr. Fitch, be kind enough to approach the rostrum?

The Chair understands that the motion of the gentleman from Sebago, Mr. Fitch, is that the report and accompanying papers lie upon the table and be assigned for Wednesday, February 8th. Is this the pleasure of the House?

(Cries of No)

The SPEAKER: The question before the House is on the motion of the gentleman from Sebago, Mr. Fitch, that the "Ought to pass" report of the Committee on Federal Relations on Bill "An Act relating to Payment of Benefits under Employment Security Law" (H.P. 2127) (L.D. 1627) lie upon the table and be specially assigned for Wednesday, February 8th. As many as are in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the "Ought to pass" report was accepted.

Under suspension of the rules, the Bill was given its three several readings, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, out of order and under suspension of the rules, I ask permission

to introduce a bill which is within the limits of the cloture rule.

The **SPEAKER**: Out of order and under suspension of the rules, the gentleman from Fairfield, Mr. Woodworth, asks permission to enter a bill. The Clerk will read the title.

The **CLERK**: Bill "An Act to Appropriate Monies to Continue the Unit Increases of the State Employees".

The **SPEAKER**: Does the Chair understand that the gentleman from Fairfield, Mr. Woodworth, wishes the bill to lie upon the table pending reference to a committee?

Mr. **WOODWORTH**: Yes, Mr. Speaker, and I also wish the bill ordered printed.

The **SPEAKER**: The gentleman from Fairfield, Mr. Woodworth, moves that the bill be ordered printed and that it lie upon the table pending reference to a committee. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. **JACOBS**: Mr. Speaker, yesterday this body created a Joint Committee, Appropriations, Education and Health and Welfare. We have been discussing the issues presented to this body on the recommendation of the Governor pertaining to the Department of Education and the Department of Health and Welfare. It seems to me that anything that pertains to the appropriation of money should be wholly determined by the Committee on Appropriations and Financial Affairs which this body created for that purpose.

This joint committee has met and has had these matters under discussion for several hours. It seems to me an unwieldy one. We can never agree, in my opinion, as a whole. I would like to make a motion to rescind our vote whereby we voted yesterday for this joint committee and refer all the financial affairs of this Legislature to

the Committee on Appropriations and Financial Affairs, which is intended to be the proper committee to act upon any appropriations of this Legislature.

I have no unkind feelings for anyone on that committee. I know, and I am sure that the Appropriations Committee will not agree on any fundamental principle outlined in the bills before them. However, I do feel that this Committee on Appropriations should have entire charge of the appropriations of this Legislature and make their report accordingly, whether it is a unanimous report or a divided report.

I make that motion at this time, that we rescind the vote whereby we voted to have a joint committee of these three committees, and that we eliminate the Health and Welfare and Education Committees and have the entire proposition presented to the Appropriations Committee where it really belongs.

The **SPEAKER**: The Chair will request the gentleman from Auburn, Mr. Jacobs, to kindly put his motion in writing. For the purpose of so doing, the House will recess for the time necessary.

After Recess

Called to order by the Speaker.

The **SPEAKER**: The Chair understands that the gentleman from Auburn, Mr. Jacobs, withdraws his previous motion.

The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. **JACOBS**: Mr. Speaker, my remarks will be the same as those I made recently, except that rescinding the vote was not quite in order, and I present an order in place of my previous motion. The result will be the same.

The **SPEAKER**: The gentleman from Auburn, Mr. Jacobs, under suspension of the rules, presents an order. The Clerk will read the order.

The order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Committees on Ap-

ropriations and Financial Affairs, Welfare and Education jointly, to which were referred the following Bills, be requested to return said Bills to the House for further consideration:

Bill "An Act to Appropriate Monies to Supplement Appropriations for the Expenditures of State Government and to Appropriate Monies for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951." (H.P. 2126) (L.D. 1626)

Bill "An Act Relating to Elderly Teachers' Pensions." (H.P. 2125) (L.D. 1625).

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

Mr. BURGESS: Mr. Speaker and Members of the House: Chiefly in the interests of economy in this group, I urge you to vote against the passage of the order just presented. And may I point out very briefly that a joint committee was selected, a hearing has been held, and that if necessary, a divided report can be returned from that committee equally as well as it can be returned from a single committee. Again may I just suggest, in the interests of economy, that you will vote "No" on the passage of this order.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the order of the gentleman from Auburn, Mr. Jacobs. This joint committee is heavy and unwieldy and it is hard in there to come to any decision. I think, if this House wishes to expedite its business with dispatch, that they should vote to accept the order of the gentleman and have these bills come back to the Appropriations Committee, where, I assure you, they can be dealt with in short order. It is not possible for these bills to come out from the Appropriations Committee with anything but a divided report. This whole joint committee appears to be divided.

This is nothing derogatory toward any man who is on this joint committee, because they are all good men, but this committee is top-heavy and is overloaded. There are nearly thirty men, and it would be a pretty hard job for them to get anything out. I strongly urge that you vote for the passage of this order.

The SPEAKER: The question before the House is on the passage of the order.

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I rise in opposition to this order. I am a member of that committee. I never wanted to be a member of it and I do not think I should have been on it, but, now that I am on it, I can see what is behind the scenes, and I think we should continue as we are. I am in agreement that we cannot agree on it, but we can bring in a divided report from the joint committee as well as we can from the single committee. I think we should bring it in for the House and Senate to vote on it. I hope this order will not pass.

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

Mr. McGLAULFIN: Mr. Speaker, just because a committee may send in a divided report does not seem to me to be any reason for discharging that committee. Let them make their report and then we will act accordingly. I am opposed to the passage of the order.

The SPEAKER: The question before the House is on the passage of the order. As many as are in favor of the passage of the order will say aye; those opposed no.

A viva voce vote being taken, the order failed of passage.

The SPEAKER: The Chair would respectfully take this opportunity to call the attention of the members to the fact that the same conditions prevail today as prevailed during the regular session, that we are trying to keep an accurate record, and therefore the Chair will adhere

to its previous position of not recognizing a member until the microphone is in place.

The Chair recognizes the gentleman from Portland, Mr. Paine.

Mr. PAINE: Mr. Speaker and Members of the House: Out of order and under suspension of the rules, I move that Bill "An Act Relating to Payment of Benefits under the Employment Security Law" (H. P. 2127) (L. D. 1627) be sent forthwith to the Senate.

The SPEAKER: Out of order and under suspension of the rules, the gentleman from Portland, Mr. Paine, moves that Bill "An Act Relating to Payment of Benefits under the Employment Security Law" be now sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

Thereupon the House voted to recess until 5:00 P. M.

After Recess

Called to order by the Speaker.

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

Report of the Committee on Ways and Bridges on Bill "An Act Providing for the Reallocation of Part of the Betterment Appropriation in Favor of State Aid Highways" (S. P. 713) (L. D. 1624) reporting that it "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill had its two several readings.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A"
to S. P. 713, L. D. 1624, Bill "An Act Providing for the Reallocation of Part of the Betterment Appropriation in Favor of State Aid Highways."

Amend said Bill by striking out all after the enacting clause thereof and inserting in place thereof the following:

P. & S. L., 1949, c. 208, § 1, amended. Sub-paragraph 6 of paragraph C of section 1 of chapter 208 of the private and special laws of 1949 is hereby amended to read as follows:

"6. Betterments, state and state aid highways 1,000,000 1,000,000"

Committee Amendment "A" was then adopted in concurrence and under suspension of the rules the Bill was given its third reading and passed to be engrossed as amended in concurrence.

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

Mr. CHAPMAN: Mr. Speaker, I request unanimous consent to address the House.

The SPEAKER: The gentleman from Portland, Mr. Chapman, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. CHAPMAN: Mr. Speaker and Members of the House: I have a matter which I am somewhat reluctant to bring to your attention but one which I feel I should bring to your attention under the circumstances. My position is somewhat similar to that which was presented to you this morning by the gentleman from Lincoln, Mr. House.

A situation which I will not say is tantamount, but which borders upon an emergency situation, has been called to my attention by the County Commissioners in my own county. I realize, of course, that any discussion of Cumberland County matters as such before this House, especially at this time, is not a pleasant one, and it is not for me.

I have a bill which I am going to offer under the unanimous consent rule for introduction, and I leave it entirely to your pleasure

as to what action shall be taken on it. I might add that I will not feel any pique one way or another whichever way it is voted on.

The situation is this: Last Friday the County Commissioners in Cumberland County received an engineering report which was the result of a protracted and thorough engineering survey with regard to the so-called million dollar Portland-South Portland Bridge. That is the existing bridge, and has nothing to do with the so-called Vaughan Bridge proposition which is somewhat controversial and is handled in other legislation. It is the bridge from Portland to South Portland which was built in 1919. It is a county matter, and it is the County Commissioners' responsibility to take care of it. They have learned, as a result of this engineering survey, that the situation in regard to depreciation and wear on the bridge is far worse than any anticipation that they had in regard to the material condition of the bridge. It has been recommended to them that they undertake immediately to replace the draw machinery and replace the flooring of the draw which has now approached what has been described by the engineers as a condition of danger.

Just what would have happened if there had not been a special session of this Legislature at this time, I don't know. It might be possible for them to dispose of their problem in another way. I am not in a position to draw judgment on that. But the solution that was suggested by the county commissioners was to come up and ask that the appropriation — I won't say "appropriation" but that the authorized indebtedness for the county with regard to the bridge repair be extended from the figure of \$150,000 which was authorized in regular session before this Legislature last winter. They did anticipate a certain amount of repair, and requested that the county be authorized to borrow on its own borrowing capacity. It has no bor-

rowing capacity, of course, until we authorize it, but they requested that they be authorized to borrow for the county, to be repaid from county taxes, the sum of \$150,000, of which the sum of \$100,000 would be earmarked for bridge repair. We find now that because the condition is so much worse than anticipated originally that expenditures somewhere in the neighborhood of \$340,000 will have to be made, and, according to best engineering advices, should be made within a fifteen to eighteen months' period from now. Therefore they wanted to raise the figure and ask you to allow that figure to be raised to \$450,000 rather than the \$150,000 which stands on the books.

I would like to call to your attention in this regard that that figure has nothing to do with State funds or State appropriations. It is merely an extension of indebtedness for the county. The county, of course, cannot indent itself without State authority, because it is not like a town that has inherent borrowing capacity. Accordingly, I have had prepared a bill which I will present to you at this time and ask that it be received by unanimous consent.

The **SPEAKER**: The gentleman from Portland, Mr. Chapman, presents a bill and requests unanimous consent for its introduction. The Clerk will read the title of the bill.

The title of the bill was read by the Clerk as follows:

Bill, "An Act amending the law authorizing the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs."

The **SPEAKER**: Is there objection to the reception of the bill? The Chair hears objection and the bill has not been received.

If there are no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Burgess of Limestone,

Adjourned until ten o'clock tomorrow morning.