

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

Special Session, February 6, 1950

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**HOUSE**

Thursday, February 9, 1950

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

Prayer by the Rev. Edna Knowlton of Augusta.

The journal of the previous session was read and approved.

**Messages and Documents**

From the Senate: The following Communication:

Honorable Harvey R. Pease, Clerk  
94th Legislature

Sir:

The Senate today indefinitely postponed "Memorial to Congress requesting the President of the United States to request the Resignation of Dean Acheson as Secretary of State," (H. P. 2132) which the House had previously adopted.

Respectfully,

(Signed) Chester T. Winslow  
Secretary of the Senate

The communication was received and placed on file.

**Orders of the Day**

The SPEAKER: Under Orders of the Day, the Chair lays before the House the unfinished business of yesterday, being An Act to Amend the Charter of the Development Credit Corporation of Maine (H. P. 2133), pending the motion of the gentleman from Palmyra, Mr. Millett, to table and later in the day assign.

Mr. CAMPBELL (of Garland): Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CAMPBELL: To move the indefinite postponement of the bill.

The SPEAKER: The motion before the House is the motion made by the gentleman from Palmyra, Mr. Millett, that the bill lie upon the table and be later assigned in the day's session.

Mr. CHASE (of Cape Elizabeth): Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHASE: Mr. Speaker, to inquire if the time of assignment of the bill is debatable.

The SPEAKER: The Chair will state that the time of assignment is debatable.

Mr. CHASE: Mr. Speaker, I suppose that the time of assignment of this bill is a matter of considerable importance in its relation to other matters which the Legislature may want to consider. Therefore, it is a matter of considerable importance. I believe, personally, that it should be assigned for immediate consideration. I would like to have the question of assignment, if it could be, separated from the motion so that I could move that it be assigned for immediate consideration as the next matter of business after the motion to table is disposed of.

The SPEAKER: The Chair recognizes the gentleman from Palmyra, Mr. Millett.

Mr. MILLETT: Mr. Speaker, as I understand it, the motion to table is not debatable. I rise to ask unanimous consent to address the House.

The SPEAKER: The Chair will state the Chair is unable to recognize the gentleman for that purpose.

Mr. MILLETT: Well, Mr. Speaker—

The SPEAKER: The Chair will state the gentleman may withdraw his motion if he cares to.

Mr. MILLETT: Mr. Speaker, I will ask for withdrawal of the motion to bring the matter before the House.

The SPEAKER: The Chair understands that the gentleman from Palmyra, Mr. Millett, now withdraws his motion.

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

Mr. BURGESS: Mr. Speaker, I would like to ask of the Speaker if the question is now before the House.

The SPEAKER: The present question pending before the House is on the passage of the bill to be enacted.

Mr. BURGESS: Mr. Speaker, as sadly as I feel, it is my honest opinion that in the interests of harmony and for the best interests of us as Legislators, the bill now

before the House, not because it has no merit but purely in the common interests and common good of us all, it should be indefinitely postponed. We have, up until the present time, enacted a policy of importance to the poor. We have enacted a policy which will assist in financing or help to finance the towns and cities of the State of Maine. That is why we were called here in emergency Special Session. It has been my consistent opinion that the best interests of our people could be served if we did not attempt to enact or discuss other matters and that it should have been and should now be held to education and relief. Believe me what I am saying is because I sincerely believe that. I trust you will agree with me that this bill should be indefinitely postponed for the purpose of maintaining harmony in a group of men who, I know, are sincere in their judgment and in their interests of the affairs of the State of Maine. If you do not agree with me and feel the door should be opened to individual or sectional legislation, then all you have to do is vote against the motion. I assure you that my feeling towards you individually will be the same as before, but I hope that you can see, as I feel certain that I see, it would be better not to discuss any further legislation.

I believe we have done a wonderful job of state-wide importance to the State and to our towns and cities. I hope that we may go home, leaving the affairs just as they are at the present time. Therefore, Mr. Speaker, I move the indefinite postponement of the bill.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that Bill "An Act to Amend the Charter of the Development Credit Corporation of Maine" be indefinitely postponed.

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

Mr. CHAPMAN: Mr. Speaker and Members of the House: I rise in support of the motion to postpone this bill indefinitely. I concur heartily with the remarks made by

our floor leader and it may be a little surprising because for some time, a short time past, there was doubt in my mind, just as there was in the minds of many of the other members, as to whether or not it might be possible to consider other items of meritorious, urgent, emergency legislation. I have discussed it with many of the members, the leadership on both ends of the Hall. I have concluded, just as the floor leader has and many of the members have, that such a move would be unwise and unworkable. The thought was that perhaps some of the bills could be referred to a screening committee to cull out those that we thought had real merit. Two of those bills have already been presented and refused under the cloture rule and some of us felt that perhaps this was a hardship. The only way to do it fairly, of course, is to screen all the bills so that those who played the game according to the rules and did not present bills even though they thought they were urgent and meritorious could have the same consideration that the county bill that I had and the district bill that Mr. House, the gentleman from Lincoln, had. According to my view now, as I understand, the time that would be consumed in such a process would delay the adjournment and extend the session here for several days and create much confusion and create an atmosphere in which we are not prepared to work because we do not have the proper committee facilities.

Therefore, although I am a little reluctant in this matter, I now concur heartily with the floor leader's motion to postpone this bill so that they all ride in the same saddle and I hope the motion to postpone that bill indefinitely will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the bill be indefinitely postponed.

The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I rise in

opposition to the suggestion of the motion just made by our majority floor leader. Because there is a little disagreement here in the House over policy and one thing and another, are we going to indefinitely postpone something that may mean a whole lot to the industrialization and progress of the State of Maine? I don't think you members want anything like that. I am not satisfied with what has taken place here altogether. In the first place, the Proclamation that called us here—what did it say? To act upon any legislation to promote the welfare of the State of Maine and I want to say to you ladies and gentlemen right here, each and every one of you, that anything that comes under the authority of the Legislature in the State of Maine is for the welfare of the State of Maine. I fully realize that when we came in here it was necessary to limit legislation to a certain degree. If we didn't do that, we would be here the rest of the winter. The members have been very fair here. I had a measure that I was supposed to put in at this session but I held it back in order to go along somewheres near fair, not only to the Legislature but to the people who are paying us to stay here. I think it is time we recognized that the two bills that were presented before this House were matters that pertained to the welfare of the State of Maine.

Again let me say that I utterly oppose the move to indefinitely postpone this because it may mean a whole lot to the progress of the State of Maine.

**The SPEAKER:** The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the bill be indefinitely postponed.

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

**Mr. BURGESS:** Mr. Speaker and Members of the House: I should have stated while I was discussing the measure a few minutes ago that this morning I have talked with several of the directors of the Credit Development Corporation

and I have been informed that the passage of this measure or the defeat of it will in no way affect the continuation of the Development Corporation. That they can, if necessary, incorporate another corporation under the general statutes and merge them at a later date. I give you that information because I have received it directly from several of the Credit Corporation's directors. I assure you that I would have been more hesitant in making the motion that I did; I would not have made it, without first determining the damage, if any, that would be done. I can assure you from their words that there will be no damage done and I believe we will have done a most remarkable job in the interests of harmony for ourselves and for our constituents.

**The SPEAKER:** The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the Bill "An Act to Amend the Charter of the Development Credit Corporation of Maine" be indefinitely postponed. The gentleman from Portland, Mr. Chapman, has requested that when the vote is taken it be by division.

As many as are in favor of the motion that Bill "An Act to Amend the Charter of the Development Credit Corporation of Maine" be indefinitely postponed, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-eight having voted in the affirmative and fifteen in the negative, the motion prevailed and the bill was indefinitely postponed and sent up for concurrence.

**The SPEAKER:** The Chair, at this time, notes the presence in the balcony of the Hall of the House of a class in the Problems of Democracy from Cony High School of Augusta under the supervision of Mr. Thurlow. Also a class in Maine History of the Seventh and Eighth Grades of the Hodge School of Washington, Maine, with Mrs. Weaver in charge. In behalf

of the House, we bid you welcome here this morning. (Applause)

The SPEAKER: The House is proceeding under Orders of the Day.

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

Mr. BURGESS: Mr. Speaker, I would like to inquire of the Speaker whether or not the next item would have to be taken from the table by the gentleman who tabled it, the gentleman from Fairfield, Mr. Woodworth. I note that he is not present and I also believe that we are all agreed that the matter has been provided for in another bill.

The SPEAKER: The Chair will answer the gentleman by stating that by long practice it has been a matter of custom and courtesy that a tabled matter is taken from the table only by the member who placed it upon the table. The Chair will further state that there is apparently nothing to prevent the House adjourning should it so desire and still leave the matter on the table.

The House is proceeding under Orders of the Day.

The gentleman from Limestone, Mr. Burgess, moves that the House do now recess until the sound of the gong. Is this the pleasure of the House?

The motion prevailed.

#### AFTER RECESS

Called to order by the Speaker.

The following papers from the Senate were taken up out of order under suspension of the rules:

#### Final Reports

From the Senate: The following Reports:

Final Report of the Committee on Federal Relations.

Final Report of the Committee on Ways and Bridges.

Final Report of the Committee on Appropriations and Financial Affairs, Welfare and Education, jointly.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

A message came from the Senate borne by Senator Haskell of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker, is it in order, at this time, to present an order?

The SPEAKER: The gentleman may present an order at this time out of order if he cares to.

Mr. MUSKIE: Mr. Speaker, I do so because I think it is of quite serious importance.

The SPEAKER: The Clerk will read the order.

ORDERED, the Senate concurring, that in view of the fact there has been some criticism of this Legislature for not adjourning last night, there be made available to the members of both branches detailed information as to the per diem cost of this Special Session, including salaries of the members, compensation of officers and employees of the Legislature, and other expenses. (H. P. 2134)

Mr. MUSKIE: Mr. Speaker, may I make just a brief comment?

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker, I may say in explanation just these few words. I have received unofficially some of the figures relating to the expenses of this session. I do not want to make any comment as to what they are until I know they are official. If they are what I think they are, I am sure the members of this House would be interested in knowing them, and for that reason I have submitted this order and I move its passage.

The SPEAKER: The question before the House is on the passage of the order. Is it the pleasure of the House that the order receive a passage?

(Cries of No)

The SPEAKER: As many as are in favor of the passage of the order will say aye; those opposed, no.

A viva voce vote was had.

The SPEAKER: The ayes appear to have it.

As many as are in favor of the passage of the order will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-two having voted in the affirmative and six in the negative the order received passage and was sent up for concurrence.

The SPEAKER: The House may be at ease for a few moments.

#### House at Ease

Called to order by the Speaker.

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

Mr. WOODWORTH: Mr. Speaker, I move that House Paper 2128, L. D. 1628, be now taken from the table.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Bill "An Act to Appropriate Moneys to Continue the Unit Increases of State Employees" (H. P. 2128) (L. D. 1628) be now taken from the table. Is this the pleasure of the House?

The motion prevailed.

Mr. WOODWORTH: Mr. Speaker, the subject matter of this bill being covered by other legislation which is now law, I move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, now moves that the bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, the bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move that a message be sent to the Senate informing that body that the House has acted upon all matters before it and is ready to adjourn without day.

The SPEAKER: The gentleman from Unity, Mr. Brown, moves that

a message be conveyed to the Senate informing that body that the House has acted upon all matters and is now ready to adjourn without day. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair appoints the gentleman from Unity, Mr. Brown, to convey the message to the Senate and requests the Sergeant-at-Arms to escort him.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I would like the privilege of saying a few words, passing a few remarks in these closing hours.

The SPEAKER: The gentleman may proceed.

Mr. BUBAR: Mr. Speaker, I came down here by vote of the people to work for the welfare of my people in the State, for their health, happiness and prosperity. That is what I came for. I have tried to obey the majority rule. As far as I know, I have done so, for this is a government of majority rule. I came here with the avowed purpose of doing something for my people and the people of the State at large, but the cloture rule was invoked by the majority of this House, and I have obeyed it. I had a bill that I wished to present, but I did not present it.

I have tried also to live according to the Golden Rule, because I feel better, I am happier and healthier, and I think I am wealthier by so doing. I do not want to crush any man or hurt any man, but, at the same time I have to live with myself and with my people when I go back, and so I submitted to the cloture rule, which I believe, and I am not alone, is unconstitutional. Brighter men than I am, both in Congress and in the State assemblies, believe the same, that it is an unconstitutional law, and we make it a law here when we vote. It simply means that we are hamstrung, tied and gagged. The proper method is, in a democracy, to present any bill that we think is for

the welfare of the people, and it is the duty and the privilege of the Legislature to table or indefinitely postpone it. Then everybody will be happy. But we have not done that.

Now, I met an old man on the street, overtook him, and I never pass anyone by. I spoke to him, asked him if I could help him in any way, because he was limping along. He said: "No. Are you in the Legislature?" I said: "Yes." "Well," he says, "I wish you could give me a little more pension. I am not getting enough to live on." So I talked with the old man. He said he had been a taxpayer for sixty years and he said: "I am not getting enough to live on. Do you suppose you could help me out?" I said: "I can't do one thing for you, mister." Now, do you contend, ladies and gentlemen, that it is for the welfare of this State to allow an old taxpayer to go hungry? Does that contribute to the happiness and the health and the prosperity of the State of Maine? I say it does not. I came down here thinking I could do something and I know in order to do that there must be some new tax measure passed, because we are not getting money enough to discharge our duty.

Now, a few weeks ago, a robbery was committed in the City of Boston, a million dollars. It electrified the world. The like of it never was known in this country, and the FBI is on their track, they are putting forth every effort to track them down and arrest them. Now I want to say this in all fairness to myself and my constituents. According to the Bangor News, which I hold in my hand, there has been a robbery committed and we have aided and abetted it in this House, and it amounts to \$3,140,800. Now, we don't need the FBI to find out where the bandits are and who they are. (Laughter) It is a matter of record. And that is the first thing they are going to ask me when I go home. Gentlemen, I have got to live with Ben Bubar when I go back and with the crowd on the street that I meet.

Now they are, over the radio and everywhere, trying to belittle the Legislature. Think of it. And here we are the only law-making body in this State, and we are supreme. God bless you, we can impeach everyone from the Governor down, and our individual members if we want to, and send them home. And yet they make fun of us and try to belittle us and talk about the 94th Legislature as a farce. I have got to go home and take it. They say, "What have you done?" My God, members, it is awful.

Now I want to clear myself and say that I feel badly if I have said anything that hurts anyone's feelings, but I want Ben Bubar to be able to go back and meet his people and look them in the face. If I have transgressed, I am sorry, I want to forgive everybody and I want them to forgive me. That is the way I feel about this matter. But I would like to say this in passing, gentlemen: I never mentioned my bill that I had and wanted to put in. After the cloture rule was invoked I never tried to put it in, because the majority rule said "No." But I have it ready here in my desk. It has passed through the Revisor of Statutes' hands. I am going to submit it to the very best tax experts that I can find. I have had considerable correspondence with the Tax Commissioner of Indiana and he has invited me out to talk it over. Of course I cannot go unless someone will put in an order that this House pay my expenses. (Laughter) I am going to keep at the bill, and that is the first bill that is going into the hopper when we meet in regular session.

Gentlemen, I like you all, and I hope the dear Lord will bless every one of you and your children, and that next January we will be here again, every one of us. Thank you very kindly.

At this point, Mr. Brown of Unity reported that he had delivered the message with which he was charged.

The following additional paper from the Senate was taken up out



of order and under suspension of the rules.

From the Senate: The following Order:

**ORDERED**, the House concurring, that a committee of three on the part of the Senate and such as the House may join be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted upon all matters before them and are ready to receive any further communication that he may be pleased to make. (S. P. 719)

Came from the Senate, in that body read and passed, with the Senator from Penobscot, Senator Haskell; the Senator from York, Senator Batchelder, and the Senator from Androscoggin, Senator Boutin appointed committee on the part of the Senate.

In the House, the Order received passage in concurrence.

The **SPEAKER**: The Chair will appoint as members of the House on the committee just named the following members:

The gentleman from Nobleboro, Mr. Palmer; the gentleman from Bangor, Mr. Webber; the gentleman from Stratton, Mr. Carville; the gentleman from Castle Hill, Mr. Dudley; the gentleman from Gorham, Mr. Sanborn; the gentleman from Carmel, Mr. McGown and the gentleman from Brunswick, Mr. Lacharite.

The committee will form in the center aisle and join with the committee members and proceed to discharge their duties.

The Chair will appoint the gentlewoman from Rumford, Miss Cormier, in place of the gentleman from Brunswick, Mr. Lacharite, upon the committee.

#### House at Ease

Called to order by the Speaker.

Mr. **PAINE** (of Portland): Mr. Speaker—

The **SPEAKER**: For what purpose does the gentleman rise?

Mr. **PAINE**: Mr. Speaker, to introduce an excerpt from the Bureau of Internal Revenue of special provisions relating to income tax

which would be enlightening to the members and which pertains entirely to the members of the state legislature and to insert it in the record for your information. It is quite detailed and clears up all the means of filing an income tax for a member of the state legislature. I just want to insert it into the record.

The **SPEAKER**: The Chair understands that the gentleman from Portland, Mr. Paine, asks unanimous consent to insert into the record certain rulings of the Internal Revenue Bureau as they pertain to matters of income tax relating to legislative salaries and expenses. Is there objection to the introduction of the document into the record? The Chair hears none and it will be put into the record.

#### EXCERPT FROM PRENTISS HALL TAX SERVICE

“(P. 11, 273-B) Members of State legislatures.—The Bureau has ruled that a member of a State legislature can deduct hotel expenses incurred while away from home performing his legislative duties during the session of the State legislature. Any mileage allowance received by him should be included in his gross income and the actual expenses incurred in travel to perform his legislative duties is deductible. I. T. 3368, C. B. June 1940, p. 29.

The above ruling was amplified in I. T. 3842, C. B. 1947-1, p. 11, which set forth the following rules:

(1) Reimbursements and allowances for expenses should be included in gross income. A State legislator, like any other taxpayer, can deduct travel expenses, including the entire amount spent for meals and lodging, only when on business trips which require him to be away from home and his principal place of business.

(2) Where a State legislator's principal place of business and his home are located at a distance from the State capital, he is entitled to deduct the cost of his meals and lodging while attending sessions of the legislature.

(3) Where the legislator's prin-

principal place of business is at the State capital, he may not deduct his expenses for meals and lodgings while there, even though he is, during sessions of the legislature, away from his minor place of business and his home.

(4) Where an individual's duties as a State legislator constitute his only business, no deductions are allowable for meals and lodging while attending the legislative sessions.

The above principles governing deduction of expenses for meals and lodging are equally applicable to regular and special sessions of the legislature.

As to deduction of travel expenses, I. T. 3842 stated:

Where an individual's duties as a State legislator constitute his only business, he may deduct transportation expenses for only those trips from the State capital which are actually undertaken for the purpose of discharging State business. In addition thereto, if a State legislator is engaged in some other trade or business, he may also deduct such expenditures incurred in going from and returning to the State capital for the purpose of attending to matters relating to the pursuit of such other trade or business. However, even though a legislator's permanent place of abode is located in the vicinity of such other business, any expenses incurred for the purpose of being with his family are personal and nondeductible. (See *George F. Thompson v. Commissioner*, 6 TC 285.)

A State legislator may deduct the cost of nonreimbursed daily travel between his principal place of business and the State capital (his minor place of business), provided such daily trips are necessary for the purpose of discharging his business at both locations.

With respect to determination of the principal place of business, I. T. 3842 stated:

In this connection, it might be noted that although the time element is generally one of the more important factors in determining whether a particular location con-

stitutes an individual's principal or minor place of business, it should not of itself be regarded as controlling. (See *Commissioner v. J. N. Flowers*, 326 U. S. 465, Ct. D. 1659, CB 1945-1, 57.) Thus, the mere fact that a State legislator in an unusual year has to spend more than six months at the State capital does not automatically convert what is normally his minor place of business into his principal place of business for that particular year. Where a taxpayer has two or more business locations, a temporary shift of emphasis from the principal to a minor place of business should be regarded as similar in nature to the temporary departure of a taxpayer having only one business location from the place where he customarily carries on business during the taxable year. (See *Charles D. Coburn, v. Commissioner*, 138 F. 2d 763, and *Harry F. Schurer v. Commissioner*, 3 TC 544.)"

At this point, Mr. Palmer, for the Committee, reported they had delivered the message with which they were charged and that the Governor had stated that he would transmit his message forthwith to the Clerk of the House.

The SPEAKER: The House will be in order. The Clerk will read a communication from the Executive.

The communication was read by the Clerk as follows:

STATE OF MAINE  
Office of the Governor  
Augusta

February 9, 1950

To the Honorable Senate and House of Representatives:

The 94th Legislature is to be commended for the speedy and efficient manner in which has been enacted

Public Acts	2
Private and Special	3
	—
Total Acts	5

at this Special Session, all of which I have approved and signed.

It is my belief that the great majority of the citizens of Maine are grateful for the action taken by

this Legislature in providing the necessary funds to enable the State to carry out its obligations to our cities and towns and people generally in the related problems of welfare and educational activities. It is believed that the action you have taken is constructive and in the best interest of sound and realistic government.

May I express to you my personal thanks for the cooperation you have given and extend to you all my best wishes for a pleasant and safe journey home.

Respectfully submitted,

(Signed) Frederick G. Payne,  
Governor.

The communication was received out of order and under suspension of the rules and placed on file.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I move that the House do now adjourn sine die.

The SPEAKER: The gentleman from Machiasport, Mr. Hanson, moves that the House adjourn without day. Is this the pleasure of the House?

The motion prevailed and at twelve noon, Thursday, February 9, 1950, the Speaker declared the House adjourned without day.