

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

SENATE

Wednesday, January 5, 1949

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators-elect to the Ninety-fourth Legislature convened in the Senate Chamber and were called to order by Chester T. Winslow, Secretary of the Senate of the Ninety-third Legislature.

Prayer was offered by the Reverend Wesley U. Riedel of Augusta.

**Communication
from the Secretary of State**
STATE OF MAINE
OFFICE OF THE SECRETARY
OF STATE

To Chester T. Winslow, Secretary of the Senate of the Ninety-third Legislature:

In compliance with Section 1, Chapter 9 of the Revised Statutes, I hereby certify that the following are the names and residences of the Senators-elect to the Ninety-fourth Legislature, as appears by the report of the Governor and Council under date of October 15, 1948:

First Senatorial District—Sidney R. Batchelder of Parsonsfield, Charles H. Goodwin of Old Orchard Beach, Ernest G. Knights of Waterboro.

Second Senatorial District—Fredrick N. Allen of Portland, Dana R. Bowker of Portland, Ralph A. Leavitt of Portland, Paul Frederick Slocum of Standish.

Third Senatorial District—Roland H. Cobb of Denmark, Ralph E. Edwards of Oxford.

Fourth Senatorial District—Jean Charles Boucher of Lewiston, Ernest A. Boutin of Lewiston, Daniel Turgeon of Lewiston.

Fifth Senatorial District—Clarence S. Crosby of Farmington.

Sixth Senatorial District—Joseph W. Larrabee of West Bath.

Seventh Senatorial District—Ray S. Baker of Gardiner, Burton M. Cross of Augusta, Bryant L. Hopkins of Waterville.

Eighth Senatorial District—Arthur E. Ela of Anson, Brooks Savage of Skowhegan.

Ninth Senatorial District—Carroll L. McKusick of Parkman.

Tenth Senatorial District—Robert N. Haskell of Bangor, John F. Ward of Millinocket, R. Leon Williams of Clifton.

Eleventh Senatorial District—Edward B. Denny, Jr., of Damariscotta.

Twelfth Senatorial District—Cleveland Sleeper, Jr. of Rockland.

Thirteenth Senatorial District—Edwin H. Greeley of Morrill.

Fourteenth Senatorial District—Malcom P. Noyes of Franklin, Wendell T. Smart of Ellsworth.

Fifteenth Senatorial District—Oscar H. Brown of Eastport, Benjamin H. Varney of Jonesboro.

Sixteenth Senatorial District—George B. Barnes of Houlton, Albert C. Brewer of Presque Isle, Samuel W. Collins of Caribou.

IN TESTIMONY THEREOF I have caused the seal of the State to be herewith affixed at Augusta this fifth day of January, A. D. 1949, and of (Seal) the Independence of the United States of America the one hundred and seventy-third.

HAROLD I. GOSS

Secretary of State

Which was read and placed on file.

The roll being called, the following Senators-elect responded to their names:

Allen, Baker, Barnes, Batchelder, Boucher, Bowker, Brewer, Brown, Cobb, Collins, Crosby, Cross, Denny, Edwards, Ela, Goodwin, Greeley, Haskell, Hopkins, Knights, Larrabee, Leavitt, McKusick, Noyes, Savage, Sleeper, Slocum, Smart, Turgeon, Varney, Ward, Williams.

Thirty-two Senators-elect having answered to the roll-call, the Secretary declared that a quorum was present.

On motion by Mr. Barnes of Aroostook, that Senator-elect was charged with a message to the Governor and Council informing

them that a quorum of the Senators-elect was present in the Senate Chamber ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently Mr. Barnes reported that he had delivered the message with which he was charged and the Governor was pleased to reply that he would attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

Thereupon, the Governor, the Honorable Horace Hildreth, attended by the Executive Council, came in, before whom the Senators-elect took and subscribed the oaths of office required by the Constitution.

The Governor, the Honorable Horace Hildreth then addressed the Senate as follows:

Mr. President, and Members of the Senate of the 94th Legislature:

It is a pleasure this morning to welcome you all to the capital city, the State House, and these legislative halls which have so many happy and interesting memories for me.

Several states either by firmly established custom or by statutory provision provide for a formal message or address to an incoming Legislature by a retiring Governor. There would seem to be much wisdom in requiring such an address even though the difficulties are obvious—for clearly any Governor is wiser and more learned in the problems of state government at the time of his retirement than at the time of his inauguration. In the absence of such a custom or statutory requirement however it would be considered an intrusion for a retiring Governor to discuss specific problems facing an incoming Legislature and Governor, but I should like to leave the thought with you that if you provided for such an occasion in the future the State might profit thereby.

Without dealing specifically with any problems which could in any way be embarrassing, however, I should like to close my administra-

tion by recalling two thoughts I voiced in my inaugural address four years ago. The first of these I expressed as follows:

“Despite the world wide emphasis these days on the executive branch of government, I want to reaffirm my belief in the separation of the powers of government adopted by our forefathers and express my confidence that in Maine at least each branch of government will continue to function with independent integrity while still having full faith and confidence in the other branches.”

The world wide emphasis on the executive branch of government to which I referred has not diminished in the past four years, but rather has increased. This I deplore but am happy to say that in Maine at least we still adhere to the fundamental principles upon which our nation and state were built. I have never put any “must” legislation before any session of our Legislature. At all times publicly and privately I vigorously upheld both the supreme right of the Legislature to make the decisions that were rightly theirs and wholeheartedly administered their decisions which is the duty of the executive head of our government.

May the legislative branch of our government continue in Maine at least to be the policy-making body it was originally set up to be. If either in Washington or any of our states the trend of the executive branch to seize power and the legislative branch to abdicate its power and responsibilities continues, we will rapidly reach the kind of government here against which we fought two world wars. The glory of America is its ability to govern itself on all levels—the art of self-government has always been rare and today in this modern world despite all its scientific advances, the art of self-government is rapidly becoming obsolete.

The second thought of my inaugural I would refer to today was expressed as follows:

“In the days of peace to come Government should not eagerly seek more power but rather should

give private initiative and individual responsibility all possible aid and assistance. At the end of our term in office let us hope people will say not how much state government has done but rather how well it has done. . . ."

Those of you who have served with me during the past four years who agree with the philosophy expressed in the quoted passage will take pride, as I do, in recalling that at the close of the fiscal year last June 30 the following statements of fact could be made. First, the excess of revenues over expenses for the year was nearly two and one half million dollars; second, our total accumulated General Fund Surplus, after adding the year's operating gain, stood at the impressive figure of well in excess of six million dollars, which, so far as can be readily determined from the past annual statements, is the greatest General Fund Surplus in the history of the State; third, the State's bonded debt in the year closing last June 30 was reduced by \$1,800,000 so that it stood at \$11,925,000—the lowest point in more than $\frac{1}{4}$ of a century. During the $3\frac{1}{2}$ years ending June 30, the States bonded indebtedness was reduced by more than 38%. By way of comparison of what has happened in Maine, as compared to other States, I would point out that in the 1947 fiscal year the gross State debt of all the 48 States averaged a 25% increase. In Maine in that same year the indebtedness was reduced by more than 13% so that our position was somewhat more than 38% better than the average of all other States; fourth, the past 4 years is the first such period since 1913, a period of 35 years, in which the State of Maine has neither issued any new bonds nor reissued any old bonds.

It is doubtful if the State has for many years been in better financial condition than at the present time, and this statement is based on figures approved by independent audit. Needless to say this could not have been accomplished if our institutions and departments were

not operating at an extraordinarily high degree of efficiency—a fact to which I hope this Legislature will give due consideration as well as the credit so justly due the department heads.

I have tried briefly to summarize not how much government has done but how well government has done over the past four years; and, for the part many of you played in making this record possible, the citizens of Maine and I both are greatly indebted to you. I know that both you and the incoming Governor have the abilities to continue this sound financial "pay-as-you-go" policy which all governments desire, but which few governments the world over have the courage to provide. It is my hope and belief that the accumulated surplus so laboriously acquired and conserved over the past six years will be used wisely for the necessary capital expenditures for which it was acquired rather than drawn upon for current operating expenses of State government.

Since this is the last opportunity I shall have to address you as your Governor, may I conclude with one or two personal references and wishes in which Mrs. Hildreth and my family join with me. Among you are many with whom I have worked closely and hard over several years. Also among you are many with whom my family and I have struck up warm, and, I am sure, lasting friendships. It has been a great pleasure to work with you during these past four years, and the Hildreth family will always look back with full appreciation on the generous cooperation which has always been extended to us.

On the other hand, there are many new faces among you but whose owners are known to me by reputation. Based on the reputations of those who are unknown, and the knowledge of the ability and character of those I do know, I am confident that this legislative season will be fruitful so far as the State of Maine is concerned. May it be a happy one for each and every one of you, and when it is finished

I know it will be said that the 94th Legislature was one that brought great benefit to all people and hence great credit to itself.

On motion by Mr. Batchelder of York, the Secretary appointed the following committee to receive, sort and count ballots for the office of President of the Senate:

Senators:

BATCHELDER of York
SAVAGE of Somerset
TURGEON of Androscoggin

Subsequently the committee reported as follows:

Total number of votes cast 32
Mr. CROSS 28
Mr. BOUCHER 4

Which report was accepted, and Burton M. Cross having received a majority of all the votes cast was declared elected President of the Senate for the political years 1949 and 1950.

On motion by Mr. Boucher of Androscoggin, the election of the Honorable Burton M. Cross as President of the Senate, was made unanimous. Whereupon, Mr. Cross was escorted to the Chair by Mr. Boucher of Androscoggin and addressed the Senate as follows:

Mr. CROSS of Kennebec: Fellow members of the Senate, I sincerely appreciate the honor you have conferred upon me and I accept it with the full realization of the responsibilities it involves. Having known most of you and served with you in both branches of this legislature for many years, I shall expect, and know that I will receive, your full cooperation with respect to the rules and procedure of the Senate, especially those relating to debate. As you know, it is only with the proper compliance of these rules that the problems which face us today may be solved.

I trust that you will always feel free to come to my office at any time with any problem, any question of procedure, and particularly with any constructive criticism. I assure you, you will always be welcome.

And now, looking forward to a pleasant and harmonious session,

and again assuring you of my complete cooperation, the Chair awaits the pleasure of the Senate.

On motion by Mr. Crosby of Franklin

Mr. Sleeper of Knox was authorized to cast one ballot on the part of the Senate in favor of Leland S. King for Sergeant-at-Arms of the Senate.

This was done, and Leland S. King of Jefferson was declared elected Sergeant-at-Arms of the Senate for the political years 1949 and 1950.

On motion by Mr. Leavitt of Cumberland, Mr. Baker of Kennebec was authorized to cast one ballot on the part of the Senate in favor of Chester T. Winslow for Secretary of the Senate. This was done, and Chester T. Winslow of Raymond was declared duly elected Secretary of the Senate for the political years 1949 and 1950.

At the request of the President, Mr. Leavitt of Cumberland escorted the Secretary-elect to the Council Chamber for the purpose of taking and subscribing to the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

Subsequently Mr. Leavitt reported to the Senate that he had attended to the duty assigned to him, and that Chester T. Winslow had, before the Governor and Council, taken and subscribed to oaths of office required to qualify him for the discharge of the duties of the Secretary of the Senate.

The Senator from Knox, Senator Sleeper, was granted unanimous consent to address the Senate:

Mr. SLEEPER of Knox: Mr. President and members of the Senate, it is with mingled feelings of good fellowship, pride, comradeship and even of fear and jealousy that I announce to you the addition of one more child to the hitherto small family of our brother Fred Allen. This morning he was made a parent for the third time. That is a good beginning, Fred. As one who

has been a proud parent, even more than that, I wish to offer you this gift as a token of our esteem.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I am speechless. For one of the first times in my life, I am speechless. I just don't know what to say except that I sincerely thank you for this token of your esteem.

On motion by Mr. Collins of Aroostook

Mr. Smart of Hancock was authorized to cast one ballot on the part of the Senate in favor of Waldo H. Clark for Assistant Secretary of the Senate. This was done, and Waldo H. Clark of Jefferson was declared duly elected Assistant Secretary of the Senate for the political years 1949 and 1950.

On motion by Mr. Crosby of Franklin

Mr. Sleeper of Knox was authorized to cast one ballot on the part of the Senate in favor of Leland S. King for Sergeant-at-Arms of the Senate.

This was done, and Leland S. King of Jefferson was declared elected Sergeant-at-Arms of the Senate for the political years 1949 and 1950.

The PRESIDENT: The Chair notes the presence of a former President of the Senate in the Senate Chambers, and will ask the Sergeant-at-Arms to escort him to the rostrum.

Thereupon, the Sergeant-at-Arms escorted the Honorable George D. Varney, former President of the Senate, to a seat at the right of the President.

On motion by Mr. Brown of Washington,

Mr. Larrabee of Sagadahoc was authorized to cast one ballot on the part of the Senate in favor of:

JOHN S. PARKER for Assistant Sergeant-at-Arms

HOWARD KIMBALL for Postmaster

WILLIAM FLYNN for Doorkeeper

RUTH FOSTER for Page

LOIS ELLIS for Page

On motion by Mr. Baker of Kennebec, that Senator was charged with a message to the House of Representatives, informing that body that the Senate had organized by the choice of the Honorable Burton M. Cross as President, the Honorable Chester T. Winslow as Secretary and Waldo H. Clark as Assistant Secretary.

That Senator retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Barnes of Aroostook, that Senator was charged with a message to the Governor and Council informing them that the Senate had organized by the choice of the Honorable Burton M. Cross of Kennebec as President, the Honorable Chester T. Winslow as Secretary, and Waldo H. Clark as Assistant Secretary.

That Senator retired to the Council Chamber and subsequently reported that he had delivered the message with which he was charged.

Communication from the Department of State, transmitting the Senatorial Vote:

STATE OF MAINE

Office of Secretary of State
Augusta, Maine

January 5, 1949

To the President of the Senate:

In compliance with the Constitution and laws of the State of Maine I have the honor to herewith transmit the returns of the votes cast for State Senators in the several cities, towns and plantations in the State of Maine at the general election held on September 13, A. D. 1948.

Respectfully,

HAROLD I. GOSS
Secretary of State

Which communication was read, and on motion by Mr. Batchelder of York was tabled pending reference to a Committee.

Orders

On motion of Mr. Ward, it was ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for

Senators for the political years of 1949 and 1950 shall be referred for examination and report.

The President appointed:

Senators:

WARD of Penobscot
SLEEPER of Knox
VARNEY of Washington
LEAVITT of Cumberland
WILLIAMS of Penobscot
TURGEON of Androscoggin
BOUCHER of Androscoggin

On motion of Mr. Batchelder of York the Senate voted to take from the table the communication from the Secretary of State, tabled earlier in today's session, and on further motion by the same Senator, the communication was referred to the Committee on Senatorial Vote.

On motion by Mr. Slocum, of Cumberland, it was

ORDERED, that the Secretary of the Senate be directed to invite clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate.

On motion by Mr. Bowker of Cumberland, it was

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

On motion of Mr. Greeley of Waldo, it was

ORDERED, that the Official Reporter of the Senate be authorized to procure the services of a type-writing operator during the present session; also an assistant reporter for the preparation and completion of the Legislative Record.

On motion of Mr. Varney of Washington, it was

ORDERED, that the Secretary of the Senate be authorized to secure the services of three stenographers for the present session; one for the office of the President, and two for the office of the Secretary.

At this point, a message was received from the House of Representatives, informing the Senate that the House of Representatives had organized by the choice of the

Honorable Nathaniel Haskell as Speaker, the Honorable Harvey Pease as Clerk, and Mrs. E. Mae Chapman as Assistant Clerk.

On motion by Mr. Haskell of Penobscot, it was

ORDERED, that the Secretary of the Senate be directed to secure uniforms for the subordinate officers of the Senate.

On motion by Mr. Allen of Cumberland, it was

ORDERED, that the Secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mr. Crosby of Franklin, it was

ORDERED, that the rules of the Senate of the Ninety-third Legislature be the rules and orders of this Senate, except that the words, "Director of Legislative Research" be substituted for the words "Revisor of Statutes" wherever they appear therein.

On motion by Mr. Brewer of Aroostook, it was

ORDERED, that the Senate hold one session a day commencing at ten o'clock in the forenoon until otherwise ordered.

On motion by Mr. Edwards of Oxford, it was

ORDERED, the House concurring, that the Joint Rules of the Ninety-third Legislature be the Joint Rules of this Legislature, except that the words, "Director of Legislative Research" be substituted for the words "Revisor of Statutes" wherever they appear therein. (S. P. 1)

Sent down for concurrence.

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

On motion by Mr. Haskell of Penobscot, it was

ORDERED, the House concurring, that a joint select committee to be designated "Committee on Mileage"

be appointed, consisting of 3 on the part of the Senate appointed by the President of the Senate and 7 on the part of the House appointed by the Speaker of the House.

Such committee shall study the problem of reimbursing the members of the legislature for expense of travelling to the legislature and returning therefrom in conformity with the amendment to the amendment to the Maine Constitution voted upon favorably by the people at the state election held September 13, 1948 and proclaimed by the Governor October 20, 1948.

Such committee shall file a report of its findings and recommendations, accompanied by joint order or resolution, with the Secretary of the Senate no later than 3 P. M. on Tuesday, January 11th. (S.P. 9)

Sent down for concurrence.

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

On motion by Mr. Savage of Somerset, it was

ORDERED, the House concurring, that the Governor's desk, chair, table and personal files be presented to him as a gift from the Ninety-fourth Legislature. (S.P. 10)

Sent down for concurrence.

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

On motion by Mr. Baker of Kennebec, it was

ORDERED, that the use of the Senate Chamber be granted to the Maine State Bar Association on the afternoon of Wednesday, January 12, 1949.

The PRESIDENT: At this time, the Chair will appoint as Senate members of the Committee on Mileage, the following Senators:

Senators:

HASKELL of Penobscot
DENNY of Lincoln
NOYES of Franklin

Communication from the Secretary of State

STATE OF MAINE DEPARTMENT OF STATE

Augusta, January 5, 1949

To the President of the Senate and to the Speaker of the House of Representatives of the Ninety-fourth Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the general election held on September 13, 1948.

Respectfully,

HAROLD I. GOSS,

Secretary of State. (S. P. 2)

Which communication was read and on motion by Mr. Denny of Lincoln, tabled pending reference to a Committee.

Order

On motion by Mr. Brewer of Aroostook, it was

ORDERED, the House concurring, that the returns of votes for Governor, given in the several cities, towns, and plantations of the State for the political years 1949 and 1950 be referred to a joint select committee of seven on the part of the Senate, with such as the House may join. (S. P. 3)

Sent down for concurrence.

The President appointed on the part of the Senate:

Senators: BREWER of Aroostook
ALLEN of Cumberland
HOPKINS of Kennebec
GREELEY of Waldo
ELA of Somerset
KNIGHTS of York
GOODWIN of York

On motion by Mr. Denny of Lincoln, the Senate voted to take from the table the Communication from Secretary of State, tabled by that Senator earlier in today's session, and on further motion by the same Senator it was referred to the Committee on gubernatorial Vote.

Orders

On motion by Mr. Noyes of Hancock, it was

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and Clerk of the House. (S. P. 4)

On motion by Mr. Cobb of Oxford, it was

ORDERED, the House concurring, that three hundred and twenty-five (325) copies of the Legislative Record for the session of 1949 be printed and bound, one copy each for the members of the Senate, House of Representatives, and the Secretary of the Senate and Clerk of the House, and the remainder to be deposited in the State Library for exchange and library use; and it was further

ORDERED, that three hundred and fifty (350) copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments, under the direction of the Document Clerk, and it was further

ORDERED, that suitable index be prepared for such Legislative Record under the direction of the Secretary of the Senate and Clerk of the House. (S. P. 5)

Sent down for concurrence.

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

On motion by Mr. Baker of Kennebec, it was

ORDERED, the House concurring, that A. G. Robinson be State House Investigator during the present session of the Legislature at the same rate of compensation paid Mr. Robinson during the last session. (S. P. 6)

Sent down for concurrence.

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

On motion by Mr. Ela of Somerset, it was

ORDERED, the House concurring, that the Superintendent of Public Buildings is hereby given charge of

all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing, forty-eight hours previous to the time when said rooms are to be used for that purpose. (S. P. 7)

Sent down for concurrence.

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

On motion by Mr. McKusick of Piscataquis, it was

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature at 2:00 this afternoon in the Hall of the House for the purpose of electing a Secretary of State, State Treasurer, Attorney General, State Auditor, and seven Executive Councillors.

The Secretary delivered the message.

Subsequently a message was received from the House of Representatives by Mr. Pease, its Clerk, announcing that that branch concurred in the proposition of the Senate for a Joint Convention for the purpose of electing a Secretary of State, State Treasurer, Attorney General, State Auditor and seven Executive Councillors.

Order

On motion by Mr. Brewer of Aroostook, it was

ORDERED that flowers be sent to Senator Ernest Boutin of Lewiston expressing the regret of the Senators that he is unable to be present for the opening session of the Senate.

The PRESIDENT: The Chair will state at this time, that the Order relating to the joint select committee on Gubernatorial Vote has been returned from the House, passed in concurrence.

Thereupon, on motion by Mr. Denny of Lincoln, Communication re Gubernatorial Vote (S.P. 2) was taken from the table and referred to the Committee on Gubernatorial Vote.

On motion by Mr. Haskell of Penobscot

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Thereupon, the Senate retired to the House of Representatives where a joint convention was formed.

(For proceedings of joint convention see House Report.)

In the Senate

The Senate was called to order by the President.

**Communication
from the Governor**

Augusta, Maine
January 5, 1949

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years, 1947 and 1948, stating the name of the convict, the crime of which he was convicted, the sentence and its date,

the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

HORACE HILDRETH
Governor

(S.P. 8)

Which was read and placed on file.

Sent to the House.

The PRESIDENT: In connection with the session tomorrow, the Chair would remind the Senators that we will be working on a fairly close time schedule in relation to the joint convention and the inaugural. Therefore, we should convene promptly at ten o'clock to enable us to get through the routine necessary, so that we may go on the air at ten forty-five. The Chair would appreciate it if everyone would be here promptly at ten tomorrow morning.

Is there any further business to come before the Senate?

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.