

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 12, 1949

The Senate was called to order by the President.

Prayer by the Reverend Victor M. Reagan of Augusta.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

Referred to Committee

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

Appropriations and Financial Affairs

Mr. Williams of Penobscot presented Bill "An Act Appropriating Moneys for Old Age Assistance and Aid to the Blind." (S. P. 30)

The same Senator presented Bill "An Act Appropriating Moneys for Board and Care of Neglected Children." (S. P. 31)

(Ordered printed.)

Sent down for concurrence.

Claims

Mr. Baker of Kennebec presented "Resolve in Favor of Dr Harold Libby, of Gardiner." (S. P. 32)

The same Senator presented "Resolve in Favor of Arlo M. Adams, of Gardiner." (S. P. 33)

Sent down for concurrence.

Inland Fisheries and Game

The same Senator presented Bill "An Act Relating to a Non-resident Fishing License." (S. P. 34)

(Ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Allen of Cumberland presented "Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms." (S. P. 35)

(Ordered printed.)

Sent down for concurrence.

Pensions

Mr. Baker of Kennebec presented "Resolve Granting a Pension to Ethel S. Dick, of Gardiner." (S. P. 36)

Sent down for concurrence.

Welfare

Mr. Williams of Penobscot presented Bill "An Act Increasing Old Age Assistance and Aid to the Blind." (S. P. 37)

(Ordered printed.)

Sent down for concurrence.

Orders

On motion by Mr. Smart of Hancock, it was

ORDERED, that the Committee on Claims be granted the use of the Senate Chamber for public hearings each Tuesday during the session starting Tuesday, January 18, 1949.

On motion by Mr. Crosby of Franklin, it was

ORDERED, that the use of the Senate Chamber be granted to the Committee on Ways and Bridges for public hearings on Wednesday and Thursday afternoons of each week during the session, beginning Wednesday, January 19, 1949.

Reports of Committees

Mr. Ward from the Committee on Senatorial Vote for the political years 1949 and 1950, reported that a complete tabulation of the Senatorial votes is too bulky for the files, and that the same be placed on file in the Office of the Secretary of State for the inspection and examination of the Senators.

Which report was read and accepted and the same ordered placed on file.

(Out of Order)

On motion by Mr. Ward of Penobscot out of order and under suspension of the rules, it was

ORDERED, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held forthwith in the Hall of

the House for the purpose of extending to his Excellency the Governor, FREDERICK G. PAYNE, an invitation to attend the Convention and make such communication as pleases him.

The Secretary delivered the message and subsequently reported that he had performed the duty assigned to him.

Subsequently a message was received from the House by Mr. PEASE, its Clerk, concurring in the proposition for a joint convention for the purpose of extending an invitation to his Excellency, Governor FREDERICK G. PAYNE, to attend the Convention and make such communication as pleases him.

The Senate retired to the Hall of 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.

Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Joint Order with reference to travel compensation for members of the legislature, tabled by that Senator yesterday pending passage.

Mr. SLOCUM of Cumberland: Mr. President and members of the Senate, the true test of friendship is to be able to disagree with ones friends and still be friends. I believe the motion before this Body is the passage of the Order with reference to compensation of the members of the Senate and House for travel expense and it states that such reimbursement shall be for actual travel expenses but shall not exceed five cents a mile. There was a referendum last year amending the Constitution with reference to compensation for travel and the only change was that the provision for travel compensation to the

members of the legislature was amended from, "once in each session and no more" to read "once in each week in each session and no more," with no reference in the referendum as to the amount of compensation to be paid each week.

It has been the policy of the state for a number of years to, in effect, pay ten cents a mile each way once during a session. I don't know who set that amount or when it was set. I do know that it was in effect 22 years ago when I first came to the Senate. At that time ten cents a mile was not considered to be an excessive recompense for traveling to and from the legislature. I note that now the opinion has been handed down by my good friend the Attorney General that anything in excess of five cents per mile would be added compensation. I wish it were possible today to travel for five cents a mile. I know that my poor old car costs more than five cents a mile to use.

I don't know what would be a fair compensation but whereas it was considered that ten cents a mile was not excessive before for once each session, I don't see why we should now decide that that is excessive. Furthermore, I will agree that some of the members who are from the extreme limits of the state get more than those who are nearer the capitol. But there is nothing that I can see that should require a member to ask for money he did not feel he was entitled to. I am of the opinion that there is not a member of this honorable Body or of the House of Representatives who would ever ask for any money he did not honestly feel he was entitled to.

Of course, human nature being what it is we might have someone sent to the legislature who was not ethical but from my personal observation and experience, the type of man that the voters sent to this legislature, is the type that will not try to pinch out a penny he is not entitled to.

I know there are any number of people in the towns of Cumberland

County, from which I come, who believe that the legislators should be paid a proper compensation for their time and services. They feel that \$850 for two years service—and you all know that attendance at the legislature is not the only service you are required to give—is very inadequate. When we realize that the compensation is inadequate and on top of that we are required, if we are going to do our full duty, to meet with our constituents regularly and frequently perform other duties such as traveling to meet with citizens in other sections, it seems to me a little pitiful that we should try to see if we can pinch out a few pennies or a few dollars by reducing the compensation for travel at least below what it actually is, and from records I have kept, my car costs me approximately nine cents a mile to drive, with all expenses other than depreciation.

Therefore, I do not feel that I can go along with the passage of this order. I am making my statement at this time and am making no other motion, Mr. President, but I feel that this Body should consider carefully before passing this order.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I think I feel just a little bit as the poor chap must feel who lies at rest under a tombstone marked "he died defending his right of way." I will agree with almost everything that the Senator from Cumberland says, and I would thoroughly agree in supporting a bill applicable to the next legislature. This order before us this morning is a Joint Order applicable to the 94th legislature. In that respect it is temporary. The reason that it must be temporary, in the opinion of the committee, is that the section of the Constitution which was not amended contained these words, "the Senators and Representatives shall receive such compensation as shall be established by law but no law increasing their compensation shall take effect

during the existence of the legislature which enacted it."

In other words, this legislature can properly put on its statute books a travel provision that can be as liberal as this legislature wishes. If this legislature wishes to make it two dollars for ten miles each week it is the right of this legislature to do that and it shall be effective in the next legislature but let us examine what we are limited to under the present Constitution which all of us stood up and swore to uphold a week ago.

The Constitution says we cannot do anything here to change our own compensation. Now what is a fair maximum figure to put on the statute books? The Senator from Cumberland County has not objected to the limitation of actual expense. If the committee has made an error in suggesting five cents as a maximum travel he is correct in his contention. Our thinking was this, probably no one of us buys an automobile for the express purpose of coming to the legislature and returning therefrom. Probably the only reasonable expense is the actual operating expense. It was the average of the committee's conclusion that five cents represents a fair operating expense. In supporting that we looked at the schedule paid to the state employees and after the initial higher expense, they are paid five cents a mile as you probably know. In the case of a person who travels with another employee, if that fellow passenger has actual expense—he might pay the toll charge going across a toll bridge, or he might contribute in any other way to the transportation — he would be entitled to reimbursement for his actual expense.

The committee feels that we have suggested a report which is consistent with the Constitution and the Attorney General agreed with the committee that to go further than that would be to circumvent that section of the Constitution which was not amended.

In concluding, I will point out to you that the passage of this Order, assuming a sixteen week session, means that each one of us is collecting eight times as much as we collected last session in travel, assuming that we do travel back and forth each week in our automobiles. If we were to raise the amount from five to ten cents we would be doubling that increase. I believe that the committee has given you a re-

port that is consistent with the Constitution and it is our earnest hope that the order have passage.

A viva voce vote being had

The Order received a passage.

Sent down for concurrence.

On motion by Mr. Batchelder of York

Adjourned until tomorrow morning at ten o'clock.