

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

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render such service unless and until such service has been requested of the existing utility by various persons whose premises are so located as to be fairly representative of the route or routes of the proposed distribution lines or line of the cooperative to be built in such territory and the utility has either refused or neglected for an unreasonable length of time to furnish such service; any existing utility may give its consent to a cooperative to serve any portion of the territory which said utility is authorized to serve. Any person who has been refused membership in or service by a cooperative may complain of such refusal to the public utilities commission which may after hearing upon finding that such service may reasonably be rendered order such person to be served.

Thereupon, on motion by Mr. Downs of Rome, the House voted to recede from its action whereby it passed this Bill to be engrossed.

Senate Amendment "A" was then adopted in concurrence, and the Bill was passed to be engrossed as amended by House Amendment "A" and by Senate Amendment "A" in concurrence.

Non-Concurrent Matter

From the Senate:

An Act relating to Caucuses in the city of Waterville (H. P. 1856) (L. D. 1118) which was passed to be enacted in the House on April 11th and passed to be engrossed as amended on April 8th.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Poulin of Waterville, the House voted to recede from its former action and concur with the Senate in the indefinite postponement of this Bill.

Senate Insisting — Conference Asked

From the Senate:

Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662) which was indefinitely postponed in the House on April 15th in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and asking for a Committee of Conference and

with the following Conferees appointed on its part:

Messrs. HILDRETH of Cumberland
FELLOWS of Kennebec
Miss LAUGHLIN of Cumberland

In the House:

On motion by Mr. Conant of Auburn, the House voted to insist on its former action and join in a Committee of Conference.

Thereupon, the Chair appointed as Conferees on the part of the House:

Messrs: CONANT of Auburn
BRIGGS of Hampden
MILLS of Farmington

Senate Insisting — Conference Asked

Bill "An Act to provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment" (S. P. 193) (L. D. 506) on which the House accepted the Majority Report of the Committee on Education reporting "Ought not to pass" on April 15th in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Minority Report of the Committee reporting same in a new draft (S. P. 537) (L. D. 1095) was accepted and the new draft passed to be engrossed, and with the following Conferees appointed on its part:

Messrs. BATE of Kennebec
LIBBY of Cumberland
CHAMBERLAIN of Penobscot

In the House:

On motion by Mr. Pratt of Turner, the House voted to insist on its former action and join in a Committee of Conference.

The Chair then appointed as Conferees on the part of the House:

Messrs. PRATT of Turner
McKUSICK of Parkman
OSGOOD of Bradford

The following Report:
From the Senate:

April 15, 1941.

To the Honorable Senate and House of Representatives, of the Ninetieth Legislature of the State of Maine:

The Judiciary Committee to which was referred the initiative petitions proposing to the Legislature "An Act to Provide a Police Commission for the city of Biddeford" (I. B. 1), reports that said petitions were filed in the office of the Secretary of

State on March eighth and tenth, that the total number of legal signatures on all petitions proposing the above-mentioned act is 13,955, and that, therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommends that said act, "An Act to Provide a Police Commission for the City of Biddeford" (I. B. 1), be submitted to the voters of the State in accordance with the provisions of the State Constitution, for their action thereon.

Respectfully,
(Signed)

GAIL LAUGHLIN,
Chairman.
Committee on Judiciary.

Came from the Senate, read and accepted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the Eighty-ninth Legislature: I move, Mr. Speaker, that the House substitute the bill for the committee recommendation that the initiated act be submitted to the voters of the State, for their action thereon. This recommendation is in effect an "Ought not to pass" report.

By section 18 of Article 31 of the Constitution, 12,000 or more electors may propose to the Legislature for its consideration any act or modification or repeal of same. That section further provides that any act thus proposed may be enacted by the Legislature without change, and unless so enacted, the proposed act is to be submitted to the voters of the State. These petitions contain a request to the Governor to call a special election not less than four months nor more than six months after the day of adjournment of the Legislature. The State Constitution provides for the election unless the Legislature passes the bill. I have been informed that this special election will cost the State between ten and fifteen thousand dollars and the cities and towns a like amount. That money can be saved to the State by the enactment of this legislation.

What does the proposed bill attempt to do?

First: It permits the citizens of

Biddeford to elect their own police commissioner.

Second: It permits the citizens of Biddeford, under the general laws relating to cities and towns, to say whether or not they desire to establish a pension plan for the police department.

Third: It provides for the control of departmental expenditures in that department by requiring approval of expenditures by the Finance Committee, as is now applicable under the city charter to all other departments of the city.

Fourth: It represents the wishes of approximately all the taxpayers of the city because it means that this department can be run for \$20,000 per year, instead of almost \$60,000 under the provisions of chapter 110 of the Laws of 1939.

At the hearing before the Legal Affairs Committee this year, on a similar bill, the proponents included the Vice President of the First National Bank, the Chairman of the Board of Trustees of another bank, and many other business men of the city who are interested in keeping the tax rate at its present level, and lowering it, if possible, but not increasing it.

At the last September election, the citizens of Biddeford voted by an overwhelming majority for the law as it then stood, and which this Legislature seeks to restore to the statute books. This house has passed several bills relative to water districts, school districts and the like, subject to local referendum.

In behalf of the taxpayers and citizens of Biddeford, and to save the expense of between ten and fifteen thousand dollars to the State, which will be the cost of holding the special election, I hope that the bill will be substituted for the committee recommendation.

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

Mr. McGlauffin: Mr. Speaker, I would like the privilege of facing the House.

The SPEAKER: The gentleman may have that privilege.

Mr. McGLAUFFIN: Mr. Speaker and Ladies and Gentlemen of this House: I am speaking on this bill in favor of the motion of the gentleman from Biddeford, Mr. Donahue, solely in the interest of fair play. This is the fifth year I have

been in this Legislature. Four years ago there was introduced in this House a measure similar to the one that has caused all this trouble, and I opposed it, and fortunately, at that time it was defeated.

Two years ago this matter came up again, and I was lobbied more on that measure than any other measure that has come up in the House since I have been here, and this is what they told me: They frankly told me this was a Republican measure to handicap and hinder the Democrats in Biddeford, and they wanted me to go along with it. I said flatly that I would not, but that I would not oppose it.

And then politicians came to me and said, "You are a Republican. You should go along with a Republican measure." And I told them that the Republican Party had not yet got such control of me that I would do a rotten thing to please anybody. Then they sent me to an attractive-looking woman. You know that always interests me. (Laughter)

And they argued for this measure, that as a Republican I ought to support it. I did not support it; I spoke against it, as the record shows.

Now let me tell you something else. There was man after man came to me and said, "I think you are right." But what did they do? Those same men voted for that damnable measure because they had a collar on their neck and they did not have the independence of true men to stand on their feet and vote according to their conscience, and that bill went through. It was rotten from the start; it was unfair; it was trying to put Biddeford in a class by itself, just to help rotten politics. That is a fact.

Now you know what the consequences are. You cannot do things without having some reaction, and this one had its reaction. You know the history that followed it. It has been before the courts, it has been before the people, had to go to a referendum before the people. I am telling you that the people did not know about what they were voting on. Those that thought it was a Republican measure voted for it, and so it was a very close vote.

Now here is the situation: More

than thirteen thousand people who are interested in Biddeford, and perhaps more in the surrounding territory, feel that Biddeford has a right to choose their own Police Commission, and I agree with that. It is a matter of local self-government.

They were so much interested in this that they got up their own initiative, signed by all these people, and they set forth the law that they want. That comes up here; it is referred to the Judiciary Committee, and I note that the Judiciary Committee decides this should be referred to the people. I am on that Judiciary Committee, and I am going to tell you right here and now I did not sign any such report. When that vote was taken I did not happen to be there. If I had been there I should not have signed it. So you can put down one as against that report right now.

Why should the motion of Mr. Donahue prevail? For these reasons: If you pass the recommendation of the Judiciary Committee, that means a referendum. That is going to cost the State of Maine at least \$25,000, and again the people are voting on a subject they do not know anything about.

Now here is a measure that meets the approval of the people who are interested, and I say we should not dodge that issue. It is up to us to decide right here, not for the Judiciary Committee but for this House, and the other body, to pass our judgment on this thing after discussion. We are in a better position to decide than the people possibly can be. I am willing for this measure to go through just as they have drawn it. I do not think we should pass the buck; I think we should settle it here and now. I think there is merit in the position taken by some of the people of Biddeford. I am for the motion of Mr. Donahue.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the Committee. The Chair recognizes the gentleman from Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, my argument will be along the lines that have been presented by the gentleman from Portland (Mr. Hinckley). I too believe in home

rule of cities and towns. I think when the great majority of the people in a city or town feel that they want to govern themselves in a certain way we ought to allow them to do it. It is for them to decide what kind of government they want; and it is my belief that if the government becomes too bad the people themselves will overturn it. I think Biddeford should have that right.

Now it has been pointed out that two years ago the bill that was passed was clearly and admittedly a political measure; it was not a fair bill, and I for one am willing now to change what we did two years ago. The bill before us would do that very thing. Biddeford has voted by a petition that they want the law changed. They have introduced before this Legislature a bill for our consideration. Now the Judiciary Committee is divided on just how it shall be voted on, whether or not we shall do it in this House or send it on to the people.

It has been pointed out that if we pass it then it need not go to the people, but if we do not pass it then we must send it on. I do not think we ought to subject the cities and towns in the State to that expense. As long as I believe that the bill should have a passage, I, for one, am willing to take the responsibility and act on it here rather than cause this unnecessary expense.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the bill be substituted for the committee report. The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I want to say that I heartily concur with the remarks of the gentleman from South Portland (Mr. Hinckley). I believe that this is a matter where principle prevails largely over matters of politics, and I certainly hope the motion of the gentleman from Biddeford (Mr. Donahue) will prevail.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: Just one minute is all I am going to take. Two years ago I felt this was rotten politics, and I want to say that the same thing is again before the House. I

believe the gentleman's motion should prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the bill be substituted for the report of the committee. The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen: The question as it presents itself to me—and I am wondering if the situation is not the same in the minds of other legislators as it is in mine—is that it is a peculiar situation, and perhaps I might be accused of not having a proper understanding of what I intend to say. The idea involved, as I see it, is: Why should we, a Republican Legislature in large majority, try to dictate terms to a city that is 95 per cent Democratic? We have some good, outstanding and square shooting Democrats in this House, and I propose to go along with the motion of the gentleman from Biddeford (Mr. Donahue).

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the committee. As many as are in favor of the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the report of the committee.

The SPEAKER: The bill will lie on the table for printing under the Joint Rules.

The following Report:
From the Senate:

April 15, 1941.

To the Honorable Senate and House of Representatives, of the Ninetieth Legislature of the State of Maine:

The Judiciary Committee to which was referred the initiative petitions proposing to the Legislature "An Act Relating to Elections in the City of Biddeford" (I. B. 2), reports that said petitions were filed in the office of the Secretary of State on March thirteenth, that the total number of legal signatures on all petitions proposing the above-mentioned act is 12,085, and that,