

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

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AUGUSTA, MAINE

HOUSE

Wednesday, February 19, 1941.

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

Prayer by the Rev. Dr. McWhorter of Augusta.

Journal of the previous session read and approved.

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

Mr. LaFLEUR: Mr. Speaker, I move that the rules be suspended, and that "An Act Establishing the Maine State Guard" (H. P. 1501) (L. D. 816) be now taken up.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the rules be suspended and that the House take up out of order "An Act Establishing the Maine State Guard" (H. P. 1501) (L. D. 816).

Is this the pleasure of the House?

The motion prevailed.

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

Mr. LaFleur: Mr. Speaker, this is one of the most important pieces of legislation that will be decided by this body, and I think it unfair to permit this bill to go to enactment, which requires a vote of two-thirds of the elected membership of this House, without an explanation of the bill. At the conclusion of my discussion of the bill, I am prepared to answer questions in relation thereto and to perhaps guide your thought in arriving at your own conclusion. I do not ask any member of this House to vote for this bill because I have presented it, because I am merely the vehicle by which it has been presented to you, and you are to make your own decision.

Perhaps a history of the legislation would be of interest to all of us.

You remember last July the Legislature passed a two million dollar bond issue for military defense of the State in cooperation with the Federal government. I have been taught in business that a good executive must reasonably anticipate the needs of the future, look forward to the future and plan as his judgment then indicates what might well happen in the future.

In July, when this defense bond issue was passed, we considered at that time the possibility and the probability of the National Guard becoming federalized and the effect of that federalization upon the State of Maine. At that time it was discussed with the Adjutant General of the State of Maine and the Attorney General as to whether or not the State had a right, in the event the National Guard was called into Federal service, to maintain troops in this State in the time of peace, and I felt then as I now feel, that there was not sufficient law under the militia law of the State to maintain troops in the time of peace, and under the Federal Constitution and the statutes of the country we could not, without the consent of Congress, maintain any militia unit outside of the National Guard. That view was evidently concurred in by the legal department of the National Guard of the State, and they now feel that some enabling authority is necessary before we can establish troops in the State to take the place of the National Guard in time of peace.

Now in the Constitution of the United States there is a provision that the defense of the country is the prerogative of the Federal government, and by statute and by the Defense Act of 1916, as amended, the states are expressly prohibited from maintaining any troops except the National Guard in the state except in time of war. So that in time of peace, until October 21, 1940, it was legally impossible for a state in time of peace to maintain any militia except the National Guard. The Congress of the United States, anticipating the future, I believe reasonably had in mind the induction of the National Guard into the Federal service, and, appreciating the troubled times through which we are going, set up and enacted a law which permits the state, at the time the National Guard is gone, to set up a so-called Home Guard or State Guard or State Police or Constabulary.

The National Guard of the State, which is our organized militia, is composed of three units: The 240th Coast Artillery, primarily from the City of Portland, the 103rd Infantry, which takes in Portland, Biddeford, Auburn, Augusta and points further north, and the 152nd Field

Artillery, primarily based at Bangor.

Now the first unit to leave the State was in September of 1940: the 240th Coast Artillery, which is now at Fort Williams in Portland.

You appreciate under the law that these units are called into the Federal service for a year. I may venture to suggest here that that year may well go into two or three years before that unit comes back, and that next Monday your 152nd Field Artillery and your 103rd Infantry will become federalized and go into the Federal service, with the result that your State is left without any National Guard under the control of your Governor. Necessarily the question arises: What can we do and what shall we do?

Now a man's judgment is good only insofar as his experience permits him to go, and the judgment of today may not be good judgment of tomorrow. When I am discussing this bill, I wish that every member of this House would bear in mind that this bill is not the product of my brain; it is the product of a lot of brains combined, and is apparently today the best judgment that we can give to it. In six months you may say to me: "Why did we pass that bill?"

We are simply taking the position that we are intelligently trying to anticipate the future. What it holds none of us know, but at least if we have a plan that is the good judgment of today, that is better than having no plan for the future. I do not like to find myself in the position of France when she found herself suddenly soul-shocked when the emergency was upon her, with the resulting disaster.

Now this is not my bill. It is the product of many brains: National Guard officers, reserve officers, regular army officers, women, and even some boys below eighteen years of age have contributed to this.

What I am trying to put across is that this bill, insofar as I am concerned I am merely the vehicle to present it to you for you to make up your own mind and to arrive at your own decision without any pressure from the sponsor or anyone else. I have asked no one in this House to vote for this Guard bill, so whether you vote for it or vote against it, that is your decision, and,

as far as I am concerned as the sponsor, I have completed the task assigned to me.

I may say in that connection that before the bill was heard before the Military Affairs Committee there was quite a little difference of opinion between the members of the committee; we were pretty far apart. Some of us wanted a State Guard, some of us wanted a Home Guard; there were some on the committee who wanted to superimpose this Guard upon the American Legion. I will discuss that phase of the question as we go into the bill. There were others who would like to augment the State Police to a force necessary to cope with the initial emergency. But, as a result of that Military Affairs Committee hearing—and I do not wish to offend anyone—the result of that hearing was a solidifying of that committee with the ultimate purpose in mind to pass something to take care of and to anticipate the emergency which might well come upon us.

I would like to discuss that hearing before the Military Affairs Committee. The bill was explained as well as I could explain it to the committee and to the interested spectators. The first gentleman who arose indicated that in his opinion there was absolutely no need of any organization to take the place of the National Guard, and, as far as he was concerned, it would be better to divert these funds into Old Age pensions and other avenues of disbursement instead of a State Guard. He made the remark that the President of the United States—and I say this advisedly—in his campaign speech, said that we are not going to war. I remember I was rather amused when our good friend, the ex-Speaker, Don Philbrick, turned to him and said, "What is that you said?" And he said, "President Roosevelt promised us we would not go to war." Don said, "President Wilson in 1916 made the same promise."

Then I read from a little pamphlet of a student eighteen years of age in Princeton University, written in April of 1940, as his thesis for his Master's degree, in which he referred to the coming election of November 4, 1940. I now quote:

"Each candidate will speak of peace and security and how he kept us out of war. Once the polls close on November 4th., no matter who is the next President, we will hear no more about isolation. Instead, we will be fed large doses of international cooperation, outlining our duty among a society of democratic nations."

To make a long story short— and this is a boy eighteen years of age, speaking in April of 1940— "Our military history is always trying to repeat itself, to retrace the two years of 1916 and 1917."

I asked the young man if he were willing for this country of ours to take the same course that France took in 1939 and 1940.

Then the next speaker was the representative of the C. I. O. of Maine, a gentleman whom I know very well and who was bitterly opposed to any such organized force as he felt that the police of the State and the sheriffs could cope with that situation. In that connection, he made the statement that he felt that the last two Governors had abused the discretion vested in them by calling out the National Guard in the Auburn strike of 1934 and the strike of 1937. I asked him point blank the question: "Did Governor Brann, or did Governor Barrows, in your opinion, abuse their discretion in calling out the National Guard?" And he said, "Absolutely." That is a question for you members to decide for yourselves.

Then the A. F. of L. expressed their views upon this matter. I may say to that organization that they were very frank in that they promised this committee that there never would be a strike sponsored by the A. F. of L. in the State during this defense program. They are to be complimented for that stand. They were in favor of the bill with the exception of a labor clause which they would like to have inserted, that before the Governor in the case of a strike could call the State Guard into active service there must be an investigation by the Commissioner of Labor, and, after the investigation by the Commissioner, upon written advice to the Commander in Chief, the Commander in Chief might then call the Guard into the service.

While I appreciate the views of the representative of the American Federation of Labor as an individ-

ual, I cannot go along with that theory, because we are now dealing with military affairs, and there must be one man in command. Personally, I trust the Governor of the State, and I do not believe that Governor Brann, who was the greatest friend labor has had in the State, or Governor Barrows, abused the discretion in 1934 and 1937 when they called the National Guard into active service. I tried to impress upon the Federation of Labor that this Guard is not for labor, it is not for capital; it is for the best interests of the State of Maine, irrespective of the man, woman or child involved.

Then the committee became solidified when a gentleman in the rear took the floor and said: "I represent the Communist Party of the State of Maine." He made the statement that the proponents of the bill were perhaps unwise as to the course that they had selected for the future conduct of some of the affairs of the State. That the proponents might have been under strain; that this State Guard was nothing more or less than an OGPU, a Gestapo, a group of organized shock troops who would be putting their foot on the neck of labor. That is the Communist Party, so-called, who would have absolutely nothing in the way of a State Guard except a guard superimposed upon themselves. God willing, if this House and Senate will go along with this bill, we will have a Guard in the State that if certain classes and certain parties attempt to take the laws into their own hands, it can be handled efficiently and intelligently. When this gentleman had concluded his remarks it solidified that committee.

Now if you will take the Guard Bill, which is Legislative Document 816, I will comment upon the sections as we proceed, and if you have any questions you may interrupt me and I will take time to answer them.

There are two methods of approach, the practical method and the theoretical method. The practical method is the plan and the cost of the act; the theoretical method is the act, the plan and the appropriation.

Now why do we need the law? I pointed out to you the Federal prohibition and the enabling act of October which permits us in time of peace to set up such a Guard. If

you are familiar with the militia law of the State, you will find in Section 77 of Chapter 18 of the Revised Statutes of 1930, an express provision that no military company may be maintained in this State except the National Guard. That is expressly prohibited in your militia law.

The emergency, as I see it, is a very serious one. Your National Guard will be entirely in the Federal service next Monday, out from under the control of your Governor; and, if the plans eventually work out, the 152nd Field Artillery and the 103rd Infantry will be sent to Camp Blanding in Florida, and, while the 240th is located in Portland, it may eventually find itself in a colder climate. Therefore we must decide for ourselves: Is this an emergency?

No matter how long I may argue on the emergency of the set-up, I think you will agree, if you have read history and are following the events that transpire each and every day, that there is trouble ahead, and while we are not actually engaged with men in this country we might as well be frank and admit that we are in this war for better or worse. So, being in this war technically and as a matter of fact, we ought to look forward to the future and to make an answer now; and I think the answer or one of the solutions is in the bill. That is the emergency that I have in mind, that if there was a strike or other serious disturbance in this State, there must be an organized, equipped, intelligently-trained group of men who can take an order and accomplish that mission, who can handle the situation, and which you will not have after Monday of next week. That is the reason why the emergency preamble is put into the act, that it will become effective upon the signature of the Governor.

Now we will take up Section 91, which is an amendment of the militia law of the State. Section 91 follows very closely the enabling act of October, 1940, of our Congress, which permits us to set up such an organization when and if any unit of the National Guard is called into the Federal service, which is now presently a fact; so that we have a right since October to set up some sort of a solution such as this; and this Guard necessarily is under the control indirectly of the Secretary of War for rules

and regulations in training which are included in that act of October, 1940.

And then you go on to the section that these forces shall be commissioned or assigned, insofar as officers are concerned, and may be composed of all able-bodied citizens of the State between the ages of eighteen and sixty. The reason for that is this: There are a lot of boys in this State from eighteen to twenty-one years of age who are below the present draft age and who might well volunteer in this Guard, and, as a result of such service therein, may become acquainted with the duties that they may eventually take upon themselves if they go into the regular forces of the country. How much value that will have is a question; but, as I pointed out to this House some six months ago, I have seen boys in the service not over three months die upon the front for the simple reason that they did not understand the tools which they had to handle. If this will give boys an opportunity to get that experience, that in itself would make this Guard valuable. Then the men between the ages of twenty-one to thirty-five, the present draft age, it will permit the enlistment of men who are not now in Class A, physically able to enlist in this Guard; and then from thirty-five to sixty, it will permit the enlistment of ex-service men who are over the age of forty-five and who still are physically able to enlist in this Guard, thereby giving to this State the benefit of the experience acquired from the pathetic lessons we learned twenty-two years ago. So we are permitting all from eighteen to sixty who can pass the physical examination to volunteer in the Guard; and the Guard is a volunteer set-up pure and simple.

Now this Guard will be uniformed at the expense of the State. I will discuss the estimated cost of this Guard a little later. The officers thereof will furnish their own equipment and uniforms, a very wise provision, because officers' uniforms and equipment run into a great deal of money.

You will notice in Section 91 that these forces are replacements of and distinct from the National Guard. There is a purpose back of that phraseology, because this State

Guard cannot be inducted into the Federal service as a unit.

Now you go down to Section 92, which is the meat, I think, of the entire bill. It invests in the Governor of the State almost absolute authority within certain bounds, and those bounds are the act itself and the Federal regulation.

Now the Governor, under the act of October, 1940, is limited to a maximum number of men of 1537, which is fifty per cent of your present National Guard, so that he cannot exceed that number. Under Section 92, he sets up the rules and regulations for the conduct, organization and so forth of this Guard, which is a tremendous power; but, if I know the Governor of the State of Maine, as I think I do, I would trust him with everything in that regard. I followed the Governor through the flying fields of France, and I know Governor Sewall very well. I believe we have a man in the Governor's chair who will not abuse the discretion we are placing in him and he will give a pretty good answer to our problems.

Now Section 93 refers to the pay of this Guard. This Guard will receive no pay for drills or inspections, but, when they are called into active service under Section 9—and Section 9 of the National Guard law is the method by which the Governor can call the National Guard into active service in the case of invasion, floods, riots and what not—when the Guard is called into active service they will receive the same pay and allowance as the present National Guard, and, in connection therewith, if they are injured in the service, the same as the National Guard, they are entitled to compensation under this act, as is any employee of this State. So that your Guard is on a non-pay basis except when called into active service by competent authority, and that is the Governor of the State.

The reason why we made that provision is this: If we should pay the Guard for drill and inspection it would cost you approximately one dollar per man for one drill, which might well run from five hundred dollars a day up to two thousand dollars a day while on drill alone. So if they volunteer in this service they will receive no compensation; if they are injured while on drill or inspection, they

get no compensation until they are in the active service by the order of competent authority.

Now under Section 94—we have proceeded upon an elaborate program of armories in the State—and under Section 94 the Governor is authorized to permit the use of the facilities of this State by the State Guard.

Now Section 95 you may raise some question about. This force will not be required to serve outside the limits of the State except under certain conditions. If I were able to disclose to you,—and I believe you will believe me when I say I am sincere—there is considerable Fifth Column activity in the State of Maine today. I wish I were permitted to divulge the information that I have concerning that, but I hope you will at least feel I am sincere when I say there is a lot of Fifth Column activity in the State, which was indicated more or less at that Military Affairs Committee hearing I think. Now this Section 95 provides that if any unit of this State Guard while in active service is pursuing any enemy of the State they may follow it into a neighboring State. Presently under the law—and the floor leader can correct me if I am wrong—I think it was in 1935 or 1937, we did pass an enabling act which permitted sheriffs and officers of the State while in fresh pursuit of criminals to cross State borders provided that State gave the same permission. This is merely extending that law to the military forces of the State, which would permit, for illustration, at the Navy Yard at Kittery, if the Guard should be called into service and they were pursuing a saboteur and suddenly found themselves at the bridge at Portsmouth where they would have to stop, this section will permit that force to pursue until they capture that saboteur or the forces in New Hampshire can take up the pursuit.

In Section 96 we give permission to the military forces of other states to come into our State in fresh pursuit.

Section 97 relates to Federal service, and provides that the enlistment or commissioning of any man in this State Guard does not affect priority as to Federal service. In other words, if I enlist in the State Guard and eventually am selected by the Federal government

to go into Federal service, my connection with the State Guard terminates when I go into Federal service; so this is not an escape for those men who attempt to evade Federal service by going into the State Guard.

Section 99 provides for enlistment and commissioning of men in this Guard under certain qualifications. No person dishonorably discharged or convicted of a felony can go into this Guard.

Section 100 is the oath of officers and enlisted men. These men will take the oath prescribed for enlisted men and the officers will take the same oath as officers in the National Guard.

Section 101 we had quite a lot of dispute about. How long should we set up the period of enlistment in the guard? Some said a year, some the Guard? Some said a year, some two, some three. You know it takes quite a long time to make a soldier. You might make a soldier in six months and might not make one in eighteen months; and it seemed rather pathetic to let a man enlist for a year and reach an efficient point and then have to discharge him. So in Section 101 we are permitting them to enlist or be commissioned for the duration of the emergency, in no event to exceed three years; and the emergency in this case is terminated upon the return of your National Guard to the State of Maine, so that when your National Guard returns to the State of Maine this State Guard will be discharged from the service within thirty days therefrom, so that we will not have a National Guard and State Guard at the same time.

Section 102 is self-explanatory. When they are in the active service they are free from arrest.

Section 103 has to do with the constitutionality of the act, and Section 104 of course is the repealing provision of Section 77 of the National Guard act.

Now what is it going to cost us to set this State Guard up? That is of distinct interest to us all.

Before we can discuss the cost, it is necessary for a moment to address our attention to the plan. As I indicated, any business man must anticipate the needs of the future, as in this case we are anticipating the future. There is a minimum below which you cannot safely go,

and there is the maximum established by the Federal government.

General Hanson, who was until recently Adjutant General of the State, in his judgment has determined that the initial force below which we cannot go in the State if we are to have an efficient force of men is 470 men and 30 officers, or an initial force of 500 men. Below that we cannot safely go.

Now the cost of that initial equipment—and I am now discussing initial equipment—is approximately \$40,000, to initially equip the men, prepare to put them into the field in the event of an emergency.

You ask me, "What does the Federal government contribute to this set-up?" The only articles that the Federal government will contribute are an Enfield rifle and ten rounds of ammunition for each man and nothing else, and it will fall upon the State to produce the remaining equipment of the men.

Do not let that disturb you as to the cost. In looking over the Adjutant General's request — and I think the gentleman from Calais, Mr. Murchie, will follow me on this—in looking over his request in the budget report on the National Guard, we find a figure of \$130,000, which is approximately \$13,000 less than the appropriation of 1939-1940; and, looking that appropriation over and having in mind we might eventually have to come to you and ask for fifty or seventy-five thousand dollars—I am going to be frank—we went into that appropriation figure, the budget report, and the Adjutant General admitted that he could absorb in that budget recommendation the initial cost of the setting up of a Guard of five hundred men.

I do not know what the Governor will do in a special message, but in discussing it with him and the new Adjutant General, we feel we can absorb that five hundred in the present Adjutant General's appropriation without asking for any additional appropriation, unless by the time we adjourn here. I hope sometime the first part of April, the conditions should change so rapidly that we have to augment this force from five hundred to fifteen hundred. In the event that takes place, necessarily we will have to come to you and very frankly say: "Here is your problem, gentlemen. Do you want to spend the money or do you not?" I think when we arrive at

that you will say, "We will spend the money for this set-up.

But this is merely an enabling act to get the law upon the books to set up the Guard, and then whenever they ask you for money you can make up your mind whether you will give them money or not. Now that is the initial cost that will be absorbed in the National Guard appropriation.

The Governor has assured me that this State Guard is not going to be a junket trip for any man; it is going to be a serious piece of business. A man is not going to be commissioned in this State Guard just to wear the uniform. If he goes into this State Guard he has undertaken one of the most important pieces of work he ever undertook.

I refer back to the section of the law which says this State Guard will not be superimposed upon any organization. That is Section 9-A. If you will read it you will find that it is pretty broad. I am now addressing myself to the many Legionnaires in this Legislature. It was the first thought to superimpose this State Guard upon the American Legion. I have always been opposed to that. This is State business in which you and I are concerned as individuals and which you and I as individuals can work out the solution, and we should not attempt to put it upon a body of men or group of men. The National organization of the American Legion decided this was a civil organization and if we went into this activity we would destroy ourselves. That is the reason for this section, that this will not be superimposed upon the American Legion, the Knights of Columbus or the Masons. That is the reason we put that into the act, because I have had Legion Posts contact me, saying that they are training one hundred or one hundred and fifty men and they would like to go into the service as a unit. I am respected in the Legion of this State, but I would not put one man into this State Guard who could not pass the physical examination, because if you vary that rule, knowing human nature as I know it, you will find a lot of men trying to get into this Guard who will eventually find themselves on the pension rolls of the State. The Governor has assured me that when a man goes into the State Guard he will pass a physical examination

and will qualify, because I do not want to bankrupt the State by these boys who would like to get on the payroll.

Now that is the best explanation I can give as to this act, ladies and gentlemen. If you would like to ask questions, I will try to answer them, but I want you to make up your own minds. This may not be good judgment six weeks from now, but it is the best that we know at present, and there has been no other plan submitted and there is nothing else before you except this. If you turn this down, I don't know where we are going. We may be making a mistake. Only God can answer that question. But we are going forward with this plan, if you will agree, for better or worse, hoping that the results will indicate to us the wisdom of this act.

I am willing to answer questions if you would like to ask them, because I am going to move that it be passed to be enacted and sent forthwith to the Senate.

Now, Mr. Speaker, if I am in order,—apparently there are no questions and you have made up your minds—I ask that it be passed to be enacted, and, after enactment, if enacted, sent forthwith to the Senate.

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

Mr. McGLAUFFIN: Mr. Speaker, there can be no doubt in the minds of reasonable men but that this State or any State needs some military force available in times of peace. In times of threatened war it is much more necessary.

Now, since the National government is taking from this State the National Guard, this bill, as I understand it, will make available some military force to the State in the absence of that Guard, and, in my opinion, this creates a real emergency. I hope that this bill receives a passage.

Mr. RICHARDSON of Strong: Mr. Speaker I would like to ask the gentleman from Portland (Mr. LaFleur) one question. I understood him to say at the present time he had definite information that Fifth Column activities were under way in this State. Are we to understand that the passage of this bill means that these activities will be curbed by the Guard?

The SPEAKER: The gentleman from Strong, Mr. Richardson, asks

a question from the gentleman from Portland, Mr. LaFleur. The gentleman from Portland, Mr. LaFleur, may reply if he wishes.

Mr. LaFLEUR: Do I understand the question, sir, that if there are Fifth Column activities in this State, that this State Guard will curb them?

Mr. RICHARDSON: Yes, sir.

Mr. LaFLEUR: Mr. Speaker, I do not wish to convey that impression. What I do wish to convey is this: If any group of men, whoever they may be, should suddenly oppose the law of this State, there will be a force at the command of the Governor, intelligently trained and equipped, to handle that situation.

In connection with the Fifth Column activities, I will say to you as a Legionnaire that there is in your Post at the present time a designated official whom you and I do not know, working with the F. B. I. and the Federal government in the checking of these Fifth Column activities.

Mr. RICHARDSON: Mr. Speaker, I thank the gentleman for his explanation. It was my feeling, if the Home Guard were necessary to curb these activities and the National Guard was already in the Federal service, the question immediately projects itself as to why that situation has not been controlled. The gentleman from Portland (Mr. LaFleur) has mentioned the fact these activities are under way and that he did not have authority to inform us as to their form or character. I submit that if these activities are in progress, as the gentleman from Portland states, and I take his statement to be correct, then I raise the question as to what the civil authorities in this State are doing if that knowledge is at their command. It seems to me that if these activities are in progress, that the time to stop them is now and not after something has started.

I just want to go on record as in support of this bill as a veteran. I do believe, however, this House should carefully consider every matter that comes before it labelled "Defense."

In the special session we granted a two million dollar bond issue for defense purposes. Three-quarters of it, possibly, has been allocated for the construction of armories, and now we find the National Guard is

going out of the State. It seems to me we have locked the door in that respect after the horse is gone. So I say we have got to turn a serious eye upon every proposal which is brought in. Because of the desire of some organizations or groups to get these things on the statute books, they are coming in under the title of defense measures. I do believe, however, this measure introduced by the gentleman from Portland, Mr. LaFleur, demands and must receive the serious consideration and approval of this body, because it is in its own right an emergency.

Mr. FENLASON of Anson: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Anson, Mr. Fenlason, moves the previous question. In order for the Chair to entertain the motion for the previous question, it is necessary to obtain the consent of at least one-third of the members present. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously a sufficient number having arisen, the previous question is ordered. Is it the pleasure of the House that the main question be put now? All those in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: This bill, having had its three several readings in the House, and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that the bill be passed to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and thirty-five having voted in the affirmative and none in the negative, 135 being

more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bills from the Senate requiring reference disposed of in concurrence.

Miss CLOUGH of Bangor: Mr. Speaker, I move that House Rule 25 be suspended to permit smoking for the remainder of this morning's session.

The SPEAKER: The gentleman from Bangor, Miss Clough, moves that House Rule 25 be suspended to permit smoking for the remainder of this morning's session.

The Chair recognizes the gentleman from Lewiston, Mr. Roy.

Mr. ROY: Mr. Speaker, I understand that under suspension of the rules questions are not debatable. However, I ask unanimous consent of the House that as a member I be permitted to say a few words. I will ask through the Chair if I may be granted that privilege.

The SPEAKER: The gentleman from Lewiston, Mr. Roy, asks unanimous consent to address the House. Is there objection? The Chair hears no objection.

The Chair will remind the members that the rule has not been suspended. The gentleman may proceed.

Mr. ROY: Mr. Speaker and Ladies and Gentlemen: There are four habit-forming substances that once infiltrated in the human body, it is almost impossible to break from. They are, rum, opium, tobacco and pea soup. (Laughter)

For nearly eighty years I have been able to keep away from rum, opium and tobacco, but pea soup must have gotten the best of me when I was very young or before I was born. However, since I notice all the members here are smoking, I would like to be one of the boys, but I am told that the first time one smokes, one is very sick. Since I have important legislation to work on, may I ask through the Chair that if there is a doctor in the House, if he thinks it will be wise for me to start in smoking right now? I will take a chance, and, so help me God, here goes my first cigar. (Laughter and applause)

The SPEAKER: The question before the House is on the motion

of the gentlewoman from Bangor, Miss Clough, that House Rule 25 be suspended during the remainder of this morning's session. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and House Rule 25 was suspended for the remainder of today's session.

Senate Bills and Resolves in First Reading

Bill "An Act to Dissolve Dexter and Piscataquis Railroad Company" (S. P. 103) (L. D. 148)

Bill "An Act Amending the Charter of the city of Augusta" (S. P. 195) (L. D. 286)

Bill "An Act relating to Suffrage to Qualified Voters in Unorganized Territory" (S. P. 154) (L. D. 223)

Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in certain Land in Belgrade (S. P. 98) (L. D. 126)

Bills were read twice, Resolve read once, and tomorrow assigned.

From the Senate:

Report of the Committee on Legal Affairs, on Bill "An Act relating to Falsely Assuming to be a Justice or Officer" (S. P. 94) (L. D. 98) reporting "Ought to pass" as amended by Committee Amendment "A".

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended.

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

Senate Amendment "A" was then read by the Clerk and adopted in concurrence, and tomorrow was assigned for third reading of the Bill.

From the Senate:

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Investment of Trust Funds of the University of Maine" (S. P. 119) (L. D. 154)

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

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

Senate Amendment "A" was then read by the Clerk and adopted in concurrence, and tomorrow was assigned for third reading of the Bill.

The following Bills and Resolves, which were transmitted from the Revisor of Statutes under Joint Order, were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Tax on Potatoes" (H. P. 1567) (Presented by Mr. Phair of Caswell Pl.) (1000 copies ordered printed) Sent up for concurrence.

Bill Tabled

Bill "An Act relating to Nursery Stock" (H. P. 1568) (Presented by Mrs. Grady of Whitefield) (On motion by Mrs. Grady, tabled pending reference and 750 copies ordered printed)

Appropriations and Financial Affairs

Bill "An Act to Provide Legislative Scholarship" (H. P. 1569) (Presented by Mr. Bubar of Weston) (650 copies ordered printed)

Resolve Appropriating Money for the Department of Inland Fisheries and Game (H. P. 1570) (Presented by Miss Deering of Bath by request) (650 copies ordered printed) Sent up for concurrence.

Banks and Banking

Bill "An Act to Establish a Banking Board, and Define its Powers and Duties" (H. P. 1571) (Presented by Mr. Bowers of Sherman) (650 copies ordered printed) Sent up for concurrence.

Claims

Resolve reimbursing the city of Auburn for Support of State Pauper (H. P. 1572) (Presented by Mr. Jacobs of Auburn) Sent up for concurrence.

Education

Bill "An Act relating to Patriotic Observances in Schools" (H. P. 1573) (Presented by Mr. Slosberg of Gardiner) (1000 copies ordered printed) Sent up for concurrence.

Federal Relations

Bill "An Act relating to Old Age Assistance" (H. P. 1574) (Presented by Mr. Brown of Eagle Lake) (1000 copies ordered printed) Sent up for concurrence.

Bill "An Act Amending the Unemployment Compensation Law relating to Employment" (H. P. 1575) (Presented by Mr. Payson of Portland) (750 copies ordered printed) Sent up for concurrence.

Indian Affairs

Bill "An Act relating to Adoptions in the Indian Tribes" (H. P. 1576) (Presented by Mr. Sylvia of Danforth) (650 copies ordered printed) Sent up for concurrence.

Interior Waters

Resolve relating to the Building of a Dam at Quantabcook Lake (H. P. 1577) (Presented by Mr. Davis of Montville) (650 copies ordered printed) Sent up for concurrence.

Judiciary

Bill "An Act Exempting Municipal Airports from Taxation" (H. P. 1578) (Presented by Mr. Payson of Portland) (750 copies ordered printed) Sent up for concurrence.

Bill "An Act relating to Preference in State Examinations for Selective Service Inductees" (H. P. 1579) (Presented by Mr. McIntire of Phippsburg) (650 copies ordered printed)

Bill "An Act to Prohibit Certain Political Activities" (H. P. 1580) (Presented by Mr. Mills of Farmington) (650 copies ordered printed)

Bill "An Act relating to Disclosure Commissioners" (H. P. 1581) (Presented by same gentleman) (650 copies ordered printed)

Bill "An Act relating to Exemptions from Trustee Process" (H. P. 1582) (Presented by Mr. Patterson of Freeport) (650 copies ordered printed)

Bill "An Act relating to Taking of Land for Municipal Airports" (H. P. 1583) (Presented by Mr. Payson of Portland) (650 copies ordered printed) Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Time of Holding Municipal Elections" (H. P. 1584) (Presented by Mr. Leavitt of Portland)

(750 copies ordered printed)

Bill "An Act to Provide for the Appointment of a Board of Commissioners of Fire Department of the city of Gardiner" (H. P. 1585) (Presented by Mr. Slosberg of Gardiner by request)

(750 copies ordered printed)

Sent up for concurrence.

Bill "An Act relating to the Division of Emergency Aid" (H. P. 1586) (Presented by Mr. Brown of Eagle Lake)

(650 copies ordered printed)

Bill "An Act relating to the Voting Precincts in the town of Harpswell" (H. P. 1587) (Presented by Mr. Pickett of Naples)

(650 copies ordered printed)

Bill "An Act relating to Rules Governing Racing in Maine" (H. P. 1588) (Presented by Mr. Sleeper of Rockland)

(650 copies ordered printed)

Bill "An Act to Incorporate the Ellsworth School District" (H. P. 1589) (Presented by Mr. Willey of Ellsworth)

(650 copies ordered printed)

Sent up for concurrence.

Mines and Mining

Bill "An Act to Authorize Mining Activities under Hid Pond in Franklin County" (H. P. 1590) (Presented by Mr. Mills of Farmington)

(650 copies ordered printed)

Sent up for concurrence.

Motor Vehicles

Bill "An Act relating to Short Period Registration of Trucks" (H. P. 1591) (Presented by Mr. McKusick of Parkman)

(750 copies ordered printed)

Sent up for concurrence.

Sea and Shore Fisheries

Resolve relating to Fishing in Penobscot Bay (H. P. 1592) (Presented by Mr. Crockett of North Haven)

(650 copies ordered printed)

Resolve relating to Catching Lobsters Near Monhegan (H. P. 1593) (Presented by Mr. Race of Boothbay)

(650 copies ordered printed)

Sent up for concurrence.

State Lands and Forest Preservation

Resolve Authorizing the Forest Commissioner to Convey certain Lands to Union Trust Company of Ellsworth (H. P. 1594) (Presented by Mr. Willey of Ellsworth)

(650 copies ordered printed)

Sent up for concurrence.

Taxation

Bill "An Act Imposing a Tax on Salaries and Wages" (H. P. 1595) (Presented by Mr. Jones of Rockland)

(1000 copies ordered printed)

Bill "An Act Exempting the Real Property of Persons over Sixty-five Years of Age from Taxation" (H. P. 1596) (Presented by Mr. Sichel of Lisbon)

(1000 copies ordered printed)

Sent up for concurrence.

Bill "An Act relative to Exemption of Public Municipal Corporations from Taxation" (H. P. 1597) (Presented by Mr. McIntire of Phippsburg)

(750 copies ordered printed)

Sent up for concurrence.

Bill "An Act relating to Taxing Entertainment Halls, Requiring Paid Admissions" (H. P. 1598) (Presented by Mr. Fickett of Naples)

(650 copies ordered printed)

Sent up for concurrence.

Bill Tabled

Bill "An Act relating to Taxation of Shore Property in Wild Lands" (H. P. 1599) (Presented by Mr. Harvey of Sangerville)

(On motion by Mr. Harvey, tabled pending reference and 650 copies ordered printed)

Temperance

Bill "An Act Forbidding the Sale of Liquor to Certain Persons" (H. P. 1600) (Presented by Mr. Bubar of Weston)

(750 copies ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act Creating the Maine Turnpike Authority" (H. P. 1601) (Presented by Mr. Sayward of Kennebunk)

1000 copies ordered printed)

Sent up for concurrence.

Orders

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that Mr. Smith of Bangor, be excused from attendance today on account of business.

Orders Tabled

Mr. Gould of Gorham, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs be and hereby is directed to report to the Legislature not later than four o'clock in the afternoon of the first legislative day in March of 1941 an estimate of the necessary appropriations for the ensuing biennium, classified according to the usual form of the Appropriation Bill (H. P. 1604)

Mr. PAYSON of Portland: Mr. Speaker, because of the difficulties involved in this order, I move that it lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the order lie on the table pending passage. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the order was tabled pending passage.

Mr. Wyman of Norway, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the State Controller be directed to furnish to the Legislature a list of salary adjustments of State officers and employees affected during the months of October, November and the first half of December, 1940.

AND BE IT FURTHER ORDERED, that 500 copies of the above information be printed (H. P. 1605)

On motion by Mr. Payson of Portland, tabled pending passage.

On motion by Mr. Grua of Livermore Falls, it was

ORDERED, that there be printed 500 additional copies of S. P. 433, L. D. 881, An Act amending the Unemployment Compensation Law to provide for Rates based on Benefit Experience.

On motion by Mr. Eddy of Bangor, it was

ORDERED, that there be printed 1000 additional copies of H. P. 1558, L. D. 827, An Act Exempting Homesteads from Taxation.

On motion by Mr. Pierce of Bucksport, it was

ORDERED, that there be print-

ed 500 additional copies of H. P. 431, L. D. 180, An Act relating to Sale and Use of Fireworks.

Reports of Committees Leave to Withdraw

Mr. Estabrook from the Committee on Pensions on Resolve providing for a State Pension for Berger H. Shorey of Mechanic Falls (H. P. 664) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass Report Tabled

Mr. Sylvia from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Assist Rural Sanitation Activities" (H. P. 830) (L. D. 344)

(On motion by Mr. Mills of Farmington, tabled pending acceptance of Committee Report)

Ought to Pass in New Draft

Mr. Gould from the Committee on Counties on Bill "An Act Authorizing Lincoln County Commissioners to Acquire Land for County Purposes" (H. P. 615) (L. D. 252) reported same in a new draft (H. P. 1602) under same title and that it "Ought to pass"

Mr. Dutton from the Committee on State Lands and Forest Preservation on Bill "An Act relating to the Slash Law" (H. P. 355) (L. D. 142) reported same in a new draft (H. P. 1603) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Boyd from the Committee on Counties reported "Ought to pass" on Bill "An Act Increasing the Farm Bureau Budget" (H. P. 296) (L. D. 106)

Mr. Pratt from the Committee on Education reported same on Bill "An Act relating to Payment of Secondary School Tuition" (H. P. 789) (L. D. 339)

Same gentleman from same Committee reported same on Bill "An Act relating to Ministerial and School Funds" (H. P. 414) (L. D. 163)

Mr. Davis from the Committee on State Lands and Forest Preservation reported same on Resolve Granting Authority to the Forestry Department to Convey certain Land

to Zelia A. Smith of Springfield (H. P. 354) (L. D. 141)

Mr. LaFleur from the Committee on Legal Affairs reported same on Bill "An Act to Amend the Charter of South Portland Sewerage District in relation to the Issue of Notes and Bonds" (H. P. 829) (L. D. 343)

Reports were read and accepted.

First Reading of Printed Bill and Resolve

Bill "An Act relating to Collection of Poll Taxes" (H. P. 641) (L. D. 277)

Resolve Regulating Fishing on Narraguagus River (H. P. 1566) (L. D. 903)

Bill was read twice, Resolve read once, and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act providing for the Administration and Control of Baxter State Park" (H. P. 262) (L. D. 91)

Bill "An Act relating to the Taking of Eels" (H. P. 621) (L. D. 257)

Bill "An Act to amend the Charter of Higgins Classical Institute" (H. P. 1197) (L. D. 417)

Bill "An Act to provide for the Surrender by Silver Ridge Plantation of its Organization" (H. P. 1502) (L. D. 817)

Resolve Authorizing the Forest Commissioner to Convey certain Land to Maxime Albert of Sinclair (H. P. 261) (L. D. 90)

Resolve Granting Authority to the Forestry Department to Convey certain Land J. C. Briggs of Caribou (H. P. 322) (L. D. 122)

Resolve Granting Authority to the Forestry Department to Convey certain Land to Stanley Hinch of Danforth (H. P. 447) (L. D. 186)

Resolve Regulating Fishing in Chase's Mill Stream (H. P. 471) (L. D. 207)

Resolve Regulating Fishing in Ross Pond (H. P. 627) (L. D. 263)

Resolve Regulating Fishing in Certain Lincoln County Waters (H. P. 628) (L. D. 264)

Resolve Regulating Fishing in Hasting Pond (H. P. 629) (L. D. 265)

Resolve Regulating Fishing in Roaring Brook Pond (H. P. 805) (L. D. 318)

Resolve Regulating Fishing in Watch Pond (H. P. 812) (L. D. 325)

Resolve Regulating Fishing in

Dead River in Orland (H. P. 815) (L. D. 328)

Resolve Regulating Fishing in Rattlesnake Pond (H. P. 816) (L. D. 329)

Resolve Regulating Fishing in Granger Pond (H. P. 817) (L. D. 330)

Resolve Regulating Fishing in Barker Pond (H. P. 818) (L. D. 331)

Resolve Regulating Fishing in East and West Richardson Ponds, in Oxford County (H. P. 823) (L. D. 295)

Resolve Regulating Fishing in Certain Waters (H. P. 824) (L. D. 296)

Resolve Regulating Fishing in Alford's Lake and Lermond's Pond (H. P. 1508) (L. D. 840)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Enactor

Emergency Measure Tabled

An Act relating to the Port of Portland Authority (S. P. 102) (L. D. 146)

(On motion by Mr. Shesong of Portland, tabled pending passage to be enacted.)

Passed to Be Enacted

An Act relative to Joint Control by Sureties (S. P. 92) (L. D. 96)

An Act Exempting Certain Musical Instruments from Attachment (S. P. 95) (L. D. 97)

An Act relating to Petitions for Discontinuance of Highways (S. P. 117) (L. D. 155)

An Act to Provide for the Surrender by town of Brookton of its Organization (S. P. 126) (L. D. 151)

An Act relating to Clerk Hire by the Judge of the Municipal Court of Waterville (H. P. 260) (L. D. 89)

An Act Authorizing the town of Island Falls to Raise Money (H. P. 263) (L. D. 92)

An Act relating to Inland Fish and Game Wardens (H. P. 311) (L. D. 120)

An Act relating to the Old Folks Home at Bath (H. P. 336) (L. D. 132)

An Act relating to Liens on Watches, Clocks, Jewelry and Radio Equipment (H. P. 337) (L. D. 133)

An Act to Provide for the Surrender by Unity Plantation of its Organization (H. P. 357) (L. D. 143)

An Act relating to the Protestant Episcopal Church in Maine (H. P. 428) (L. D. 177)

Finally Passed

Resolve Regulating Fishing in Pierce Pond in Somerset County (H. P. 43) (L. D. 26)

Resolve Regulating Fishing in Grass Pond in the County of Somerset (H. P. 44) (L. D. 27)

Resolve Regulating Fishing in Kilgore Pond in Bowtown and Pierce Pond Townships (H. P. 45) (L. D. 28)

Resolve Regulating Fishing in Puffer's Pond in the town of Dexter (H. P. 98) (L. D. 54)

Resolve Regulating Fishing in Peters Pond (H. P. 242) (L. D. 81)

Resolve Regulating Fishing in Lincoln County (H. P. 243) (L. D. 82)

Resolve in favor of Horace Polchies, Representative of the Penobscot Tribe of Indians (H. P. 869) (L. D. 302)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

On motion by Mr. Farwell of Unity, the House voted to take from the table the first tabled and unassigned matter, House Report "Ought to pass in New Draft" of the Committee on Public Utilities on Bill "An Act Extending the Exemptions from the Common Carrier Law" (H. P. 166) (L. D. 63) New Draft (H. P. 1333) tabled by that gentleman on February 11th, pending acceptance.

Mr. FARWELL: Mr. Speaker, I now move that this bill be recommitted to the Committee on Public Utilities.

In brief explanation of my motion, I may say that it is by unanimous request that I am recommending this bill to the Committee on Public Utilities, due to the fact that we now have before us for consideration two or more bills which pertain to the same thing as this bill which I have had on the table for the last week. We also have an amendment to this bill for our consideration. With the hope of perhaps causing less trouble to the members of this Legislature, we feel that we can report out in single

form those three bills if we are permitted to recommit this bill to the committee.

The SPEAKER: The gentleman from Unity, Mr. Farwell, moves that this report and accompanying papers be recommitted to the Committee on Public Utilities. Is this the pleasure of the House?

The motion prevailed and the report, together with the bill, was recommitted to the Committee on Public Utilities and sent up for concurrence.

On motion by Mr. Denny of Damariscotta, the House voted to take from the table the fourth tabled and unassigned matter, Bill "An Act to Provide for the Issue of State of Maine Agricultural Bonds for the Eradication of Bang's Disease and other Contagious Diseases" (H. P. 1516) (L. D. 842) tabled by that gentleman on February 14th, pending reference; and on further motion by the same gentleman, the bill was referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

On motion by Mr. Shesong of Portland, the House voted to take from the table the fifth tabled and unassigned matter, Bill "An Act to Amend the Charter of the City of Auburn," (H. P. 644) (L. D. 280) tabled by that gentleman February 14th, pending second reading.

Thereupon, the bill was given its second reading.

Mr. Conant of Auburn, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to Bill "An Act to Amend the Charter of the City of Auburn (H. P. 644) (L. D. 280)

Amend said bill by inserting after section 5 thereof and before the emergency clause, the following two sections to be numbered sections 6 and 7.

'Sec. 6. VALIDATING PROVISION. That all acts of said City Council relative to the election of trustees of the Auburn Sewerage District since the creation of said Auburn Sewerage District by Chapter 193, of Private and Special Laws of 1917 are hereby ratified, confirmed and made valid to the same extent as said elections by said City Council would have been valid had it been acting under specific au-

thority of the Charter of the City of Auburn as set forth in section 1-A hereof.

Sec. 7. VALIDATING PROVISION. That all acts of said City Council relative to the election of trustees of the Auburn Water District since the creation of said Auburn Water District by Chapter 60, of the Private and Special Laws of 1923 are hereby ratified, confirmed and made valid to the same extent as said elections by said City Council would have been valid had it been acting under specific authority of the charter of the city of Auburn as set forth in section 1-A hereof.

Thereupon, House Amendment "A" was adopted.

Mr. Conant then offered House Amendment "B" and moved its adoption.

House Amendment "B" to H. P. 644, L. D. 280, Bill An Act to Amend the Charter of the city of Auburn.

Amend the bill by striking out of Section 1, sub section a. thereof, lines 4 and 5, the following words to wit: "As provided in section X of article VI of the charter of said city of Auburn," and further amend said sub section by striking out therefrom, in lines 5 and 6 the following words to wit: "As provided by section II of article VI in the charter of said city of Auburn."

House Amendment "B" was then adopted and the Bill was assigned for third reading tomorrow morning.

On motion by Mr. Downs of Rome, the House voted to take from the table the sixth unassigned matter.

House Report "Ought to pass" of the Committee on Inland Fisheries and Game on Resolve Regulating Dipping of Smelts from the tributaries of Crotched Pond (H. P. 623) (L. D. 259) tabled by that gentleman on February 18th, pending acceptance; and on further motion by the same gentleman the "Ought to pass" report of the committee was accepted.

Mr. PAYSON of Portland: Mr. Speaker, I ask unanimous consent to address the House briefly, and I mean briefly.

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

Mr. PAYSON: Mr. Speaker, several members of the House have talked to me about the situation of this State with relation to the pensions now granted to its employees, and they have wished to introduce orders concerning that.

There is a Recess Committee on Pensions for State employees, of which I am a member, which is nearly ready to report, and, as soon as it does report, you will have an exhaustive study of the pension situation. I simply make this statement so that you will know the matter is already under consideration and will be reported to you in a short time.

On motion by Mr. Belanger of Biddeford,

Adjourned until tomorrow morning at ten o'clock.