

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninetieth Legislature

OF THE

State of Maine

SPECIAL SESSION

JANUARY 12, 1942

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE

HOUSE

Monday, January 12, 1942.

This being the day designated in the Proclamation of the Governor for the meeting of the Ninetieth Legislature in extra session, the members of the House of Representatives assembled in their hall at four o'clock in the afternoon, Eastern Standard Time, and were called to order by the Speaker.

The **SPEAKER**: His Excellency, the Governor of Maine, having called the Ninetieth Legislature in special session, to meet at Augusta on January 12th, at four o'clock, the hour of four having arrived, the House will be in order.

Prayer was offered by the Rev. Dr. Wood of Augusta.

The **SPEAKER**: The Clerk will read the Proclamation by the Governor.

STATE OF MAINE**PROCLAMATION BY THE GOVERNOR**

WHEREAS, it appears advisable that the Legislature of this State should meet in special session to consider matters of national defense, public safety, and certain other legislation.

I, THEREFORE, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Monday, the twelfth day of January, 1942, at four o'clock in the afternoon, Eastern Standard Time, in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

(Seal) Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this thirtieth day of December, in the year of our Lord One Thousand Nine Hundred and Forty-one, and of the Independence of the United States of America, the One Hundred and Sixty-sixth.

SUMNER SEWALL
Governor

By the Governor
FREDERICK ROBIE
Secretary of State

A true copy.

Attest:

(Signed) **FREDERICK ROBIE**
Secretary of State.

Thereupon, on motion by Mr. Dorsey of Fort Fairfield, the Proclamation was ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and thirty-five members answering to their names, a quorum was declared to be present.

Those who were absent were: Messrs. Bowers, Brown of Bangor, Conant, Dorrance, Hanold, Hinckley, LaFleur, Lambert, Murchie, Phair, Porrell, Robie, Robinson, and Smith of Bangor.

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

ORDERED, that a Committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the hall of the House for the consideration of such business as may come before the House.

The Chair then appointed as such Committee Representatives: Pratt of Turner, Sleeper of Rockland, Richardson of Strong, McIntire of Phippsburg, Good of Monticello, Leavitt of Portland, Morrison of Winter Harbor.

The Committee subsequently reported that it had conveyed the message entrusted to it.

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

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mr. Payson was designated by the Speaker to convey the message to the Senate, and Mr. Payson subsequently reported that he had performed the duty assigned him.

The following Communication:
 DEPARTMENT OF STATE
 STATE OF MAINE
 Augusta

January 12, 1942.

Hon. Harvey R. Pease
 Clerk of the House of Representatives

Dear Sir:

I am enclosing herewith letters from Representative Alonzo A. Conant of Auburn, Leon V. Bowers of Sherman and Alexander A. LaFleur of Portland, tendering their resignations from membership in the Maine House of Representatives, the same having been received from his Excellency the Governor on January 8, 1942.

I am also enclosing letters of resignation from Samuel F. Dorrance of Richmond, Harold N. Hanold of Standish, and Byron H. Smith of Bangor, which were received from his Excellency the Governor on this date.

These are being forwarded to you that they may be made a part of the records of the House of Representatives.

Yours very truly,

(Signed) **FREDERICK ROBIE**

Secretary of State

The communication was read, and on motion by Mr. Belanger of Winslow, together with accompanying papers, was ordered placed on file.

On motion by Mr. Pratt of Turner, the following names were ordered stricken from the roll of the House: Alonzo A. Conant of Auburn, Leon V. Bowers of Sherman, Alexander A. LaFleur of Portland, Samuel F. Dorrance of Richmond, Harold N. Hanold of Standish, and Byron H. Smith of Bangor.

At this point a message was received from the Senate, through its Secretary, informing the House that a quorum was present in the Senate Chamber and that body was ready to transact such business as may come before it.

The following Communication:

STATE OF MAINE
 Department of State

I, Frederick Robie, Secretary of State, certify that the office of the Secretary of State is the legal depository of the Great Seal of the State of Maine and of the records of appointment and qualification of civil officers.

I further certify that the records of this department disclose that George H. Hinckley of South Portland was on the ninth day of May, 1941, appointed Judge of the South Portland Municipal Court for a term of four years, and that the said George H. Hinckley qualified for said office on the ninth day of May, 1941, by taking the oaths as prescribed by law.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this twelfth day of January in the year of our Lord one thousand nine hundred and forty-two and in the one hundred and sixty-sixth year of the Independence of the United States of America.

(Signed) **FREDERICK ROBIE**,
 Secretary of State.

(STATE SEAL)

Communication was read, and on motion by Mr. Shesong of Portland, was ordered placed on file.

Mr. Shesong of Portland, presented the following Order, out of order, and under suspension of the rules:

WHEREAS, the Honorable George H. Hinckley of South Portland has been appointed Judge of the South Portland Municipal Court and has qualified for that office by taking the oaths prescribed by law:

AND WHEREAS, by the provisions of the Constitution no person shall be capable of holding or exercising at the same time within this State the office of a Representative to the Legislature and Judge of an inferior court;

NOW THEREFORE IT IS ORDERED that the office of Representative to the Legislature held by Mr. Hinckley is hereby declared vacant;

AND IT IS FURTHER ORDERED that his name be stricken from the roll of members of this House.

The Order was read and passed, and the name of George H. Hinckley was stricken from the roll of the House.

Orders

On motion by Mr. Payson of Portland, it was

ORDERED, that the Secretary of State be requested to deliver to the Clerk of the House three copies of the 1941 Laws of Maine.

On motion by Mr. McNamara of Winthrop, it was

ORDERED, that Frank A. Gilman of Winthrop, serve as Door-keeper of the House during the present special session in the place of Harlan E. Gilman, who is employed in Defense work.

Orders of the Day

Mr. COUSINS of Old Town: Mr. Speaker, I move that the rules be suspended in order to permit me to introduce an Order, and I will move its passage.

The SPEAKER: The gentleman from Old Town, Mr. Cousins, moves that the rules be suspended in order to permit him to present an Order out of order.

The motion prevailed.

The SPEAKER: The gentleman from Old Town, Mr. Cousins, now presents an Order, out of order, and moves its passage.

Mr. COUSINS: Mr. Speaker, I present an Order that "no smoking rule" be rescinded.

The SPEAKER: Will the gentleman reduce this Order to writing?

At this point a message was received from the Senate, through the Senator from York, Senator Harvey, informing the House that the Honorable Francis H. Friend had been elected President of the Senate in place of the Honorable Nathaniel Tompkins, resigned.

The SPEAKER: The gentleman from Old Town, Mr. Cousins, presents an Order, out of order, and moves its passage. The Clerk will read the Order.

ORDERED, that Rule 25 be rescinded and smoking be permitted.

The SPEAKER: The Chair will rule that under the House Rules, this Order, involving a change in the rules, must lie on the table for action at the next legislative day.

House at Ease

A message was then received from the Senate, through its Secretary, proposing a Joint Convention to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

On motion by Mr. Payson of Portland, it was voted that the House signify to the Senate its concurrence in the proposal for a Joint Convention to be held forthwith in the hall of the House.

Thereupon, the Clerk of the House was delegated to perform that duty and he subsequently reported that he had so done, which report was accepted with the thanks of the House.

The Senate then entered the hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate in the Chair.

On motion by Senator Owen of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Sumner Sewall, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate

Senators: Owen of Kennebec, Morse of Waldo, Harkins of Androscoggin

and on the part of the House:

Representatives: Miss Deering of Bath; Messrs: Belanger of Winslow, Davis of Buxton, Savage of Skowhegan, Goldsmith of Orono, Holman of Dixfield, Bernier of Lewiston.

Subsequently Senator Owen, for the Committee, reported that the Committee had discharged the duty assigned to it and that His Excellency, the Governor, was pleased to say that he would attend forthwith.

The report was accepted.

Thereupon, the Honorable Sumner Sewall, Governor, accompanied by the Executive Council and heads of Departments, entered the hall amid applause of the Convention. The audience rising.

The CHAIRMAN: Members of the Convention, our Governor.

Governor Sewall then addressed the Convention as follows:

The Message

Mr. President and Members of the Ninetieth Legislature:

We are assembled here today to face problems caused by the war in which our Country is now engaged. Inconceivable as it may seem, the lives of our citizens are in danger and the public safety is threatened by our enemies.

In previous wars, enemy action has been directed almost wholly against the armed forces. In this war our civilian population, our cities, our homes, our factories, our total productive facilities are true objectives of attack. Military defense in this war is therefore not sufficient. Total defense for total war means the complete organization of our civil as well as military resources.

Civilian Defense to the Present

We of Maine were among the first to recognize this new and vital truth. During the past several months our state, county and municipal governments have worked diligently within the limits of their statutory powers to prepare a structure for civilian defense. Our citizens have given liberally of their time and money to the prosecution of this work.

Today some four thousand of our men and women are volunteer members of the Maine Civilian Defense force. All are either trained or being trained for vital work in the protection of our people and the resources of our State.

Law enforcement agencies have been strengthened by police reserves. Special deputies have been added to our sheriff forces. Our state wardens are undertaking wide programs for civilian defense. One thousand members of the American Legion have individually pledged to serve as auxiliary officers under sheriffs and municipal police. All are being instructed in war police duty and in fighting sabotage.

Valuable work has been done to coordinate and expand our many fire departments and train them for the handling of incendiary bombs and fires of disaster proportions. Disaster relief committees have been set up in most of our communities and are preparing for action which we hope will never be necessary, but for which we must be ready.

More recently, our efforts have been concentrated on the development of air raid warning, blackout and warden services. These are the great protective services which must go into instant action at a given signal from the Army. Instruction of appointed personnel in these very vital services is now being given in communities throughout the state by volunteer teachers from our high schools and colleges. In this

way we will achieve a uniformly high standard of training and understanding of the duties involved.

The Army has ordered the immediate establishment of a system of report centers to warn of the approach of enemy aircraft. Under this plan the State must maintain some twenty district warning centers. Local report centers will be operated by our cities and towns. All must be manned by our forces of civilian defense, trained in warning routine and the meaning of the colored signal light which is part of the system.

It takes time and work and money to build and train such an organization. Each member must know what to do on the yellow, the blue, the red and the white light. Each must react instantly with discipline. Numbers are not so important as training. In the event of attack we must have a civilian army, not a mob.

The intricate and delicate operating procedures for effective and safe blackouts have been given study and attention. Air raid drills should be tried at some early date to test the program and to familiarize us all with our duties in the event of a real attack.

People do not fear that with which they are familiar. Broad public knowledge of bombs, their effect and methods to combat them, is therefore essential for the morale of our citizens. Panic and confusion can be made more disastrous than the destruction by bombs. We must all therefore learn some of the fundamentals of war and be prepared without further delay.

Means for supplementing and utilizing all law enforcement and fire protection agencies for the maintenance of order and successful prosecution of the war are necessary. Additional powers are needed for cities and towns so that they may appropriate money for these services.

Civilian Defense of the Future

The time has now arrived when we must recognize the efforts and strengthen the effectiveness of this entire civilian defense group. We must give it the backing of statutory power, provide it with authority and finance it adequately for the tremendous duties which it is undertaking as an agency of government essential to our public safety and welfare during the period of the war.

In addition to these recommendations, it has been proposed that broad powers be vested in the Governor to mobilize the total human and material resources of the State, when, in his judgment, and that of the council such action is essential to the defense of our people. These are not powers which any individual living in a democracy would or should desire. They would impose responsibilities more grave than could be justified by any but the direst emergency.

But you, and I, and the people of Maine, know that these are days of ruthless conquest. Nightmares can become realities. War knows no law except that of self-preservation.

War moves fast. War strikes hard. War must be met on equal terms.

For the moment, Winter on and over the North Atlantic is a mighty bulwark of defense. Soon our own defenses must be ready. Time is the one resource we cannot spare.

In the event it is your considered judgment that broad powers should be vested by law in the Executive, it would, in turn, be my most solemn pledge that the authority would neither be lightly used nor in any way drawn upon without first exhausting all other possible courses of action.

Let me make it clear to you that these powers are not sought by me. We must, however, face the issue. It is for you to determine whether these powers are demanded by the perils of the times. It is for you to judge whether they will aid in achieving our common aim of a strong defense for our homes, our children and our State.

Needs of State Government

As the only state-wide law enforcement group, the State Police constitutes the coordinating agency for the law enforcement effort of the civilian defense program. With a current strength of 92 officers and men, the long felt need for enlargement of the State Police force now becomes essential. I, therefore, recommend that authority be granted to increase this force by an additional fifty men.

The impact of the defense program on the living cost and duties of State employees requires, in all fairness, an adjustment of salary schedules now prevailing. Higher salaries in defense industries have attracted many of our employees to

leave State service. This constant turnover in personnel tends to decrease the efficiency of our government and is costly to the people.

Bills calling for temporary increases to meet this emergency have therefore been prepared and will be presented for consideration. I urge their passage.

You will recall that we were agreed, when we last met in the regular session, that a contributory pension law for retirement of State employees was sound, progressive and desirable. At that time provision could not be made to finance this measure. I now recommend that this bill be enacted.

Although there is every indication that Federal rationing regulation will sharply curtail automobile travel by State employees, I believe that a modification of the mileage allowance should be made at this time to meet increased travel costs. A bill to eliminate the three-cents-a-mile bracket now in force in the state travel allowance schedule will be submitted for your consideration.

Certain other situations requiring immediate attention of the Legislature have been encountered since your adjournment last April. Bills have therefore been discussed with your Recess Committee: governing the sardine packing season; setting the legal length of lobsters; providing for aid to municipalities for maintenance and snow clearance of airports; extending resident rates for hunting and fishing fees to members of the armed forces of the United States; safeguarding revenues of the State Liquor Commission; providing for appropriations and departmental adjustments made necessary by the war; changing the name of the Maine Nautical School to meet requirements for Federal recognition; clarifying certain tax laws in order to safeguard present revenues and improving certain military laws.

In preparing the defense program outlined in this message, careful thought has been given to the additional costs that we might reasonably be expected to incur.

To finance the temporary salary increases for State employees, \$230,000 annually would be required from general funds and \$140,000 from highway and other special funds set up by law.

The contributory retirement law would require approximately \$250,000 per year, little of which will be

needed in this fiscal year in view of the time necessary to put the law into operation.

The expansion of the State Police will call for an expenditure of \$75,000 annually from general funds, and an equal amount from the Highway fund.

Adjustment of the state travel allowance schedule would draw \$30,000 annually from general funds.

In summary then, this program contemplates an annual increased expenditure from general funds of \$585,000. With less than six months remaining, our requirements for this fiscal year naturally will be proportionately less than this figure, even taking into consideration an item of \$40,000 representing legislative expense not provided for at the regular session.

No New Taxes

It is my opinion, and that of your Commissioner of Finance, that no new taxes will be required to finance this program.

Administrative expense and relief payments are currently running at a rate which indicates a saving of \$300,000 annually below appropriations available for these purposes. Revenues are currently running at a rate which indicates an increase of \$700,000 annually over our earlier estimates.

Approximately \$1,000,000, which was not anticipated when the budget was prepared and accepted by the Legislature, is now definitely estimated to be available annually for the purposes of this program. It is my judgment that no better investment of these hard won savings can be made than by pledging them toward the security of our people in this defense program.

We have been prudent in the administration of state affairs. We have been conservative in estimating receipts. We have been fortunate in enjoying improved economic conditions. Now is the time to give to the people the benefit of these governmental savings and to relieve them of the burden of the fear of increased taxation by the State.

After providing for the expansion of ordinary state activities to meet the current emergency demands, there will be an estimated balance of \$700,000 with which to meet the extraordinary cost of the civilian defense program for the present fiscal year, and an estimated \$400,-

000 for the second year of the biennium. With the enactment of the defense bill, these funds will become available for the purposes of this act.

What the cost of our defense program will be, no person can now predict with accuracy. It is possible that the above amounts may be adequate. It is virtually certain, however, that this sum, supported by authority to issue bonds up to a similar amount, will insure us against any emergencies at present conceivable.

For this reason, a bill authorizing the issuance of war bonds to a total of \$1,000,000 will be submitted for your consideration. If it proves necessary to issue these bonds, provision is made for their amortization and retirement from current revenues over a ten year period.

A year ago you and I solemnly pledged that we would do all within our power to protect the people of Maine, their homes, their children, their institutions and their resources.

May God now give us guidance and wisdom in carrying out this pledge.

Governor Sewall, accompanied by the Executive Council and suite, then retired, amid the applause of the Convention, the audience rising.

Thereupon, the purposes for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to its chamber, amid the applause of the House, the members rising.

In the House

Called to order by the Speaker.

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

The roll of absentees was called for the second time.

The SPEAKER: Are there any further matters to come before the House under Orders of the Day? If not, the Clerk will read the notices.

On motion by Mr. McLaughlin of Portland,

Adjourned until ten o'clock tomorrow morning.