

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

Friday, January 23, 1942.

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

Prayer by the Rev. Mr. Mahy of Augusta.

Journal of the previous session read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member and officer of the Senate and House a copy of the State newspaper each morning during the present special session of the legislature (S. P. 622)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

**Non-Concurrent Matter
Tabled**

From the Senate: Bill "An Act relating to Fingerprinting and Identification of the Civilian Population" (H. P. 1984) (L. D. 1251) which was passed to be engrossed in the House on January 21st.

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

In the House, on motion by Mr. Mills of Farmington, tabled pending further consideration.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Babin of Frenchville, and Mr. Bolduc of Biddeford, be excused from attendance during the remainder of this session because of business; and that Mr. Richardson of Strong, be excused during the remainder of the session because of illness in his family.

Passed to Be Engrossed

Bill "An Act providing Means for Assistance in the Maintenance of and Snow Removal from Airports" (S. P. 580) (L. D. 1198)

Bill "An Act Clarifying Certain Tax Laws to Safeguard Present Revenue" (S. P. 581) (L. D. 1199)

Bill "An Act providing for Appropriations and Adjustments in the Highway Department Made Necessary by the War" (S. P. 620) (L. D. 1262)

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

**Passed to Be Enacted
Emergency Measure**

An Act Permitting Acceptance of Federal Grants by the State (S. P. 602) (L. D. 1238)

The **SPEAKER**: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Emergency Measure

An Act Amending the Charter of the city of Lewiston (S. P. 607) (L. D. 1231)

The **SPEAKER**: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote

of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Emergency Measure

An Act Providing for Temporary Court Stenographers during the War Emergency (S. P. 579) L. D. 1197)

The SPEAKER: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Emergency Measure

An act relating to Corporations for Establishing and Maintaining Hospitals (S. P. 592) (L. D. 1207)

The SPEAKER: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Emergency Measure

An Act relating to the Improvement of the Military Laws (S. P. 609) (L. D. 1233)

The SPEAKER: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Emergency Measure

An Act Providing for Transfer of Certain State Property to the Maine Nautical Training School or Maine Maritime Academy (H. P. 1939) (L. D. 1180)

The SPEAKER: This Bill, having had its three several readings in the House and having been passed

to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty having voted in the affirmative and none in the negative, 120 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.

Passed to be Enacted

An Act relating to the State Animal Husbandry Specialist (S. P. 599) (L. D. 1240)

An Act providing that the State of Maine may Become a Party to the Atlantic States Marine Fisheries Compact (S. P. 598) (L. D. 1241)

An Act relating to Gambling (H. P. 1986) (L. D. 1219)

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

Orders of the Day

The SPEAKER: The Chair will at this time appoint as Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Premarital Medical Examinations in Emergencies" (L. D. 1191): The gentleman from Livermore Falls, Mr. Grua, the gentleman from Rome, Mr. Downs, and the gentleman from Portland, Mr. McGlauffin.

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

Mr. PAYSON: Mr. Speaker, in order to expedite the business of the House, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. PAYSON: Mr. Speaker, in order to get through the work as quickly as possible, it is necessary that unanimous consent be granted to the Clerk to send papers forthwith to the Senate as soon as they have been acted upon in this House.

I therefore now move that the House give unanimous consent for the Clerk to send all papers acted upon in the House forthwith to the Senate.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks that the House, by unanimous consent, direct the Clerk to send all papers acted upon by the House during today's session forthwith to the Senate. Is there objection? The Chair hears no objection.

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and unassigned matter, House Amendment "B" to Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1956) (L. D. 1194), tabled under the rules, pending adoption. The Clerk will read House Amendment "B".

House Amendment "B" to H. P. 1956, L. D. 1194, Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers"

Amend said bill by striking out the period at the end of the second sentence of the paragraph numbered (6) of section 227-K and inserting thereafter the following:

“; provided however, that all employees engaged by such board shall be considered as employees of the state and subject to all the provisions of state law regarding state employees and shall be employed under the rules and regulations established by the bureau of personnel and shall receive such compensation as is provided by the rules and regulations of the personnel board for state employees in similar capacities. The necessary expenses incurred by the board in the operation of the retirement system shall be paid from the funds so allocated.”

Further amend said bill by striking out the last sentence of para-

graph (6) of section 227-K of said bill.

The SPEAKER: Is it the pleasure of the House that House Amendment "B" be adopted?

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, this amendment is entirely acceptable to me. You can see what it does. It simply puts any employees under this system under the Personnel Board, and I think this House knows that I am in favor of that sort of a thing.

In connection with this minor amendment to a major Bill, I might make some further explanation about the terms of the Bill, because I have been asked so many questions.

Let me say first that this is not my Bill and I am not the only one who knows about it.

This Bill came out of a Recess Committee of two years ago, and on that Committee were John Blanchard, George Wentworth, Arthur Spear, Robert Dow and myself.

There was an enormous amount of work put in and a great deal of study and work by Mr. Buck, an actuary of New York City, who handles contributory pension systems in Massachusetts, Pennsylvania, Ohio, New York and some for the Federal government; in other words, a man who knows his business.

Now, if you find this Bill one that you cannot understand by reading it, do not be at all surprised. There is not a lawyer in the State of Maine who could read this Bill and understand it unless he had an actuary to sit down with him and tell him what it meant.

In working out the Bill that is finally produced here, the Committee received, first, a report from Mr. Buck, asking us about certain of the major terms of the Bill, as to how long the period of service should be and what the rates should be, and so forth. Those questions answered, he asked us some more questions, so that, finally, the Bill that is drafted here is one that was produced after a great deal of study and consideration.

The question has been asked me frequently why the State Police are not covered under this Bill. The reason is simply this: When the Bill was prepared over a year ago, the

Chief of the State Police at that time did not want his men under this Bill. I was glad enough not to bother with it. The present Chief of State Police does want the contributory pension system for his men, but they cannot come in under the terms of this Bill as it is written, because the retirement age, under this Bill, is sixty-five years, and for the active service of a State Policeman that would not be a reasonable provision. At a later time, it will be entirely possible to amend this Bill, and set up provisions covering the State Police, so that they may be on a contributory basis, if that is the desire of the Legislature.

I say to you frankly that is the only honest and sound method—to have a contributory pension system in the State of Maine.

Now, the reason for this Bill coming in at all, was that the Recess Committee started looking into your present pension system.

Just bear these figures in mind. At the present time you have for this group of employees, about 3700 of them, a half-pay non-contributory pension system, where a pension is payable after twenty-five years of service or after twenty years of service, if the employee has reached the age of seventy-half pay, non-contributory, twenty-five years of service—just stick to that.

Now, if I tell you that under this Bill you are working on here this morning that you have got a contributory system, where the employee puts in half the money to pay his pension, that the retirement is at the age of sixty-five, and in order for him to get a half-pay pension he will have had to have thirty-five years of service—contributory, thirty-five years of service, and age sixty-five—it will cost about \$235,000 to run this system, how much do you think that the old system will cost when it ripens off? The actuary's estimate was between \$500,000 and \$600,000, and I think he was being conservative in that estimate.

There is one essential change being made in this Bill from the one presented here last year. In the Bill last year, it would have been necessary for the employees who wanted to have retired under the old pension system to have retired before the effective date of the new pension system. Because of the employment situation today—and I am sure you are familiar with it—quite a number of employees in the

State's service who have had twenty-five or nearly twenty-five years of service, will go out and go on a pension unless they are given an extension of time. This Bill covers any under the old system—any employee who has twenty-five years of service at this time or who will have had twenty-five years of service up to July 1, 1945.

That makes the proposition a little more expensive but a great deal less expensive than what you would have under the old system.

The SPEAKER: The question before the House is on the adoption of House Amendment "B". Is it the pleasure of the House that House Amendment "B" be adopted?

House Amendment "B" was adopted.

The Chair recognizes the gentleman from Yarmouth, Mr. Arzonico.

Mr. ARZONICO: Mr. Speaker, I offer House Amendment "A".

The SPEAKER: The gentleman from Yarmouth, Mr. Arzonico, offers House Amendment "A" and moves its adoption.

The Clerk will read the amendment.

House Amendment "A" to H. P. 1956, L. D. 1194, Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers."

Amend said bill in the paragraph designated as Sec. 227-C (6) by striking out at the end thereof the following words:

'but no such member shall be considered in the service of the state for the purposes of the retirement system during such military or naval service, anything to the contrary notwithstanding'

and inserting in place thereof the following:

"and provided further that any member, who enlists in or is inducted or drafted into the service of the armed forces of the United States, shall be considered as an employee under the provisions of this act, and shall have all the benefits of chapter 314 of the public laws of 1939, and the state shall contribute to the annuity savings fund such amounts as the member would have been required to contribute if he had been serving the state during his service in the said armed forces in the same capacity as that in which he was serving at the time he joined the service."

Thereupon, House Amendment "A" was adopted, and on motion by

Mr. Payson of Portland, under suspension of the rules, and Bill was given its third reading and passed to be engrossed as amended and sent up for concurrence.

House at Ease

12:05 P. M.

The House was called to order by the Speaker.

Papers from the Senate

(Out of order and under suspension of the rules)

Memorial

From the Senate: Memorial to the Senators and Representatives from Maine in the Congress of the United States Assembled to provide for regulation of sizes and weights of certain motor vehicles (S. P. 624)

Came from the Senate, received by unanimous consent, read and adopted.

In the House:

Memorial was read by the Clerk as follows:

Memorial to the Senators and Representatives from Maine in the Congress of the United States Assembled

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the 90th Legislative session assembled, most respectfully present and petition you as follows:

WHEREAS, there is now pending in Congress a bill (S-2015) to amend the interstate commerce act, as amended, to provide for the regulation of the sizes and weights of motor vehicles engaged in transportation in interstate or foreign commerce; and

WHEREAS, the proposed bill (S-2015) will take away from the states the authority to regulate motor vehicle traffic insofar as the weight and dimensions of the trucks used are concerned, not only on the roads that are built partially by Federal funds but also on all other roads as well; and

WHEREAS, inasmuch as the commission on interstate cooperation, through its regional committee on motor vehicle problems, has already made the definite change in some of the laws of the states so that there will be uniformity between states relative to this problem and are

continuing to work along this same direction; and

WHEREAS, any cooperation necessary with the Federal government to facilitate the speedy transportation of defense material through any and all states will not be impeded in any way; now therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully petition and urge the defeat of the said Bill (S-2015) and hereby express our feeling that the principles expressed in this Bill are not deemed essential, even in view of the present emergency, by the 90th Legislature of the State of Maine, and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to each of the Representatives and Senators representing the State of Maine in the United States Congress, and to Senator Charles O. Andrews, chairman of the Senate sub-committee on interstate commerce.

The SPEAKER: Under the terms of the Joint Order passed earlier in the session, this Memorial, for its reception, requires the unanimous consent of this House. Is there objection to the reception of this Memorial? The Chair hears no objection, and the Memorial is received.

Thereupon, the Memorial was adopted in concurrence.

Bill Requiring Unanimous Consent For Introduction

From the Senate: Bill "An Act relating to Daylight Saving during the Present War" (S. P. 623)

Came from the Senate, received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House:

The Bill was read in its entirety by the Clerk.

The SPEAKER: Under the terms of the Joint Order passed earlier in the session, this Bill requires for its reception at this time the unanimous consent of the House. Failing unanimous consent, the Bill will be referred to the Ninety-first Legislature. Is there objection to the receipt of this Bill?

(Cries of "Yes, Yes")

The SPEAKER: The Chair hears objection and the Bill is referred to the Ninety-first Legislature.

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

Mr. McGLAUFFLIN: Mr. Speaker, may I ask suspension of the rules and the privilege of addressing the House.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks unanimous consent to address the House. Is there objection? The Chair hears no objection, and the gentleman may proceed.

Mr. McGLAUFFLIN: Mr. Speaker and Members of this House: There is an opinion among some of you that this legislation is not necessary. My attention was called yesterday, by one of the members, to a statement in one of the papers that that was the case; but I talked with the Attorney-General this morning and he stated to me that yesterday he did give the opinion that this legislation was not necessary, but, upon further study, he had changed his mind and he considered it of vital importance. The reason for that is that the National government is setting up one standard time, and we, under our present law, have a different standard time. That is sure to cause confusion. I think that this is a real emergency, and I earnestly hope that the men who have objected to this Bill having a passage will withdraw their objection.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. FENLASON: Am I permitted to talk on the Bill at this time, Mr. Speaker?

The SPEAKER: The Chair will state there is nothing before the House at the present time.

Senate Reports of Committees Ought to Pass

From the Senate: Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act Amending the Unemployment Compensation Act to further conform with the United States Law" (S. P. 617) (L. D. 1259)

From the Senate: Report of the Committee on Judiciary reporting same on Bill "An Act Validating

Acts of Notaries Public who become Police Officers" (S. P. 621) (L. D. 1263)

Came from the Senate, Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports read and accepted in concurrence and the Bills had their two several readings; under suspension of the rules the Bills were read the third time and passed to be engrossed in concurrence.

Non-Concurrent Matter

From the Senate: Bill "An Act Authorizing a War Bond Issue for Civilian and Military Defense Expenses" (H. P. 1950) (L. D. 1189) which was passed to be engrossed in the House yesterday.

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A".

In the House:

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 1950, L. D. 1189, Bill "An Act authorizing a War Bond Issue for Civilian and Military Defense Expenses."

Amend said bill by striking out the comma and the word "and" after the word "semi-annually" in the 1st paragraph of section 2 thereof and inserting in place thereof the following:

Said bonds shall bear the facsimile of the signature of the governor and shall be.

Further amend said bill by striking out in the 1st paragraph of section 2 thereof the following:

"countersigned by the governor or by his facsimile signature".

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

The House then concurred with the Senate in the adoption of Senate Amendment "A", and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

Senate Report of a Committee Ought to Pass as Amended

From the Senate: Report of the Committee on Salaries and Fees on Bill "An Act providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War" (S. P. 593) (L. D. 1205) reporting "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to S. P. 593, L. D. 1205, Bill "An Act Providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War."

Amend said bill by deleting in the 2nd line of section 2 of said bill the word "permanent".

Further amend said bill by deleting in the 4th line of section 2 of said bill "permanent".

Further amend said bill by deleting in lines 5, 6 and 7 of section 2 of said bill the following: "permanent employees earning \$31 to \$50, inclusive, per week, 7½% increase; permanent employees earning \$51 to \$120, inclusive, per week, 5%."

Further amend said bill by deleting the first two sentences of the 2nd paragraph of section 2 thereof.

Further amend said bill by inserting in the 5th line of section 2 thereof after the word "increase" the following: "providing, however, that no such employee shall receive more than \$30 per week because of such increase."

Committee Amendment "A" was then adopted.

Senate Amendment "A" was read by the Clerk as follows:

Senate Amendment "A" to S. P. 593, L. D. 1205, Bill "An Act Providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War."

Amend said bill by striking out in the second line of section 1 thereof the figures "\$75,000" and inserting in place thereof the figures "\$80,000."

Further amend said bill by striking out in the third line of section 1 of said bill the figures "\$180,000" and inserting in place thereof the figures "\$200,000."

Thereupon, Senate Amendment "A" was adopted, and under suspension of the rules the Bill was given its third reading and passed to be engrossed as amended in concurrence.

On motion by Mr. Mills of Farmington, the House voted to take from the table Bill "An Act relating to Fingerprinting and Identification of the Civilian Population" (H. P. 1984) (L. D. 1251) which was passed to be engrossed in the House on January 21st, and came from the Senate indefinitely postponed in non-concurrence, tabled by that gentleman earlier in today's session; and on further motion by the same gentleman the House voted to recede and concur with the Senate in the indefinite postponement of the Bill.

On motion by Mr. Payson of Portland,

Recessed until two o'clock this afternoon.

AFTERNOON SESSION—2:35 P. M.

Additional papers from the Senate, out of order and under suspension of the rules.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Premarital Medical Examinations in Emergencies" (H. P. 1953) (L. D. 1191) which was passed to be engrossed in the House on January 21st, and on which the House voted to insist and asked for a Committee of Conference yesterday.

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

In the House, on motion by Mr. Grua of Livermore Falls, the House voted to recede from its former action whereby it voted to insist and ask for a Committee of Conference, and concurred with the Senate in the indefinite postponement of the Bill.

Non-Concurrent Matter

From the Senate: Bill "An Act to provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1956) (L. D. 1174) which was passed to be engrossed in the House earlier in the day as amended by Committee Amendment "A" and House Amendments "A" and "B".

Came from the Senate passed to be engrossed as amended by Committee Amendment "A", House Amendments "A" and "B" and by Senate Amendment "A" in non-concurrence.

In the House.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 1956, L. D. 1194, Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers."

Amend said bill by adding after the section designated "Sec. 227-R" the following section:

'Sec. 227-R-a. Appeal. Any person aggrieved by any decision or ruling of the "board of trustees" shall have the right of appeal from such decision or ruling to the next term of the superior court to be held in the county of Kennebec, held not less than 30 days after the rendition of said decision or ruling. The appellant shall also file a written notice of his appeal from said decision or ruling with the "board of trustees" and with the clerk of the said superior court. Certified copies of the ruling or decision, together with a copy of the appeal, shall be forwarded to the clerk of the said superior court. The attorney-general shall appear for and in behalf of the "board of trustees". The procedure in the said court shall be the same as that in appeal from decisions of the municipal courts.'

The SPEAKER: Is it the pleasure of the House that the House recede from its action whereby it passed this Bill to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B" and concur with the Senate in the adoption of Senate Amendment "A"?

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I may say to the members of the House that the amendment is useless and foolish and it does no harm. I have no particular interest in this Contributory Pension Bill except I have spent a great deal of my own time at my own expense to try and provide a pension system for the State of Maine, and I do not wish to see the Bill killed by amendments unnecessarily. I am perfectly willing to go along with the amendment because it does not mean a thing.

Thereupon, the House voted to recede from its action where it passed this Bill to be engrossed as amended by Committee Amendment "A" and by House Amendments "A" and "B".

Senate Amendment "A" was then adopted.

The SPEAKER: The Chair rec-

ognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I offer House Amendment "C" and move its adoption.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, offers House Amendment "C" and moves its adoption. The Clerk will read the amendment.

House Amendment "C" to H. P. 1956, L. D. 1194, Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers."

Amend said bill by striking out in the paragraph numbered (4) of section 227-A the following words: 'or any member of the state police who is now or may be later entitled to retirement benefits under the provisions of chapter 182 of the public laws of 1935, as amended by chapter 225 of the public laws of 1939.'

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: Apparently there is a move on to kill this Bill with amendments. The Bill is either not right or is not understood. So, under the circumstances, due to the lateness of the hour, I move this Bill be referred to the Ninety-first Legislature.

The SPEAKER: The Chair will rule that a motion being before the House on the adoption of House Amendment "C", under Rule 29, when a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to commit, to postpone to a day certain, to amend, or to postpone indefinitely, therefore a motion to refer to the Ninety-first Legislature is not in order at this time.

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I understand the intention of the gentleman from Thomaston, Mr. Smith, which is kindly. He knows, and the other members of this House, I think, might know from what I said this morning, why the members of the State Police cannot be included in the terms of this Bill as it is now set up. I believe, with the attitude of the present Chief of the State Police, that an amendment can be added at the regular session of the Legislature

which will put the State Police on a contributory basis, but certainly at this time you do not want to carry your State Police up to the age of sixty-five years before you can give them a pension system to retire on. Sixty-five is too old an age for the men who have the active power and service of the State Police. I explained that thing this morning. I agree with the gentleman from Thomaston (Mr. Smith) that there is an intention to kill this Bill with kindness by amendments. I therefore move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves the indefinite postponement of House Amendment "C". The question before the House is on the motion of the gentleman from Portland, Mr. Payson, that House Amendment "C" be indefinitely postponed. Is the House ready for the question? All those in favor of the motion of the gentleman from Portland, Mr. Payson, that House Amendment "C" be indefinitely postponed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and House Amendment "C" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker, I now move that this Bill be referred to the Ninety-first Legislature.

The SPEAKER: The gentleman from Thomaston, Mr. Smith, moves that this Bill be referred to the Ninety-first Legislature.

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I am just as tired of my voice as you are, but, remember, that this Bill was taken up by a Recess Committee over two years ago, was acted upon in the regular session of the Legislature and only vetoed, with much commendation by the Governor, because the funds were not provided. It is brought in at this time because it is in the Governor's message. It is not a hastily considered piece of legislation; it is a piece of legislation as carefully drawn up as you will ever have before you, so I must oppose the motion to refer it to the Ninety-first Legislature.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr MURCHIE: Mr. Speaker and Ladies and Gentlemen of the Legislature: I will admit that I am pretty much at sea on the whole Bill. The gentleman from Portland, Mr. Payson, has admitted to us that it is a complicated measure and difficult to understand, but, with the experience I have had in the Legislature and the experience I have had in the Committee on Finance, and with an understanding of what the future means for the State of Maine if you go along with the old Pension Bill, I believe we ought not now to indefinitely postpone this Bill. The gentleman from Portland, Mr. Payson, this morning, in his statement to you, gave you to understand that there was a difference between the expense of this Bill and what the old Pension Bill would build up to of four or five hundred thousand dollars. I think I am safe in saying that in a period of ten years it would build up so that the State of Maine would require, under the old law, a yearly appropriation of a million dollars to take care of the situation.

Now I have had a lot of men come to me and say we ought to turn it over to the next session of the Legislature. Perhaps that is so, and if the Bond Issue Bill had not passed yesterday, I would have been a little inclined to do so, for the reason that added money might be there for the purposes of defense, but I believe we have the money, the Governor recommended it, and I think the Bill ought to go along. While I admit I do not understand it, I think it would be a frightful mistake for us, while we have the money now, not to get it started in the State of Maine and save us, as I say, a million dollars ten years from now. I am in accord with the gentleman from Portland, Mr. Payson.

The SPEAKER: The question before the House is on the motion of the gentleman from Thomaston, Mr. Smith, that this Bill be referred to the Ninety-first Legislature. All those in favor of the motion of the gentleman from Thomaston, Mr. Smith, that this Bill be referred to the Ninety-first Legislature will say aye; those opposed no.

A viva voce vote being taken, the motion failed of passage.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A", House Amendments "A" and "B" and Senate Amendment "A" in concurrence.

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

Mr. SHESONG: May I ask unanimous consent to address the House?

The SPEAKER: The gentleman from Portland, Mr. Shesong, asks unanimous consent to address the House. Is there objection?

The Chair hears no objection and the gentleman may proceed.

Mr. SHESONG: Mr. Speaker, at the morning session consent was not given to introduce a Bill relating to Standard Time.

During the noon hour, a lot of discussion was had in regard to it, and the feeling was expressed that perhaps the members of the House did not understand what the effect of that refusal might be. Therefore, I have tried to prepare a statement for you, which may clarify your minds, and I hope will result in your consent to introduce a Bill which I have drawn, to take care of a critical situation.

On January 19th, which was last Monday, I believe, the President of the United States signed a Bill passed by Congress which advanced Standard Time in this area one hour.

At the present time the law of the State of Maine relative to Standard Time reads like this: "Within the State of Maine the Standard Time shall be that which is known and designated by the Federal statutes as 'United States Eastern Standard Time.'"

When the Bill was first introduced into the Legislature, it was the opinion of the Attorney-General and other attorneys as well, that no legislation was needed in order to cooperate with the Federal government in the new time, but, as a further study was made of the question, the advice of the Chief Justice of the Supreme Court was sought. He calls attention to a case decided by the Supreme Court of Maine at the time he was Attorney General of the State.

The facts are something like these—I will not bother to read the case—but the facts are something like these: At that time we were struggling with the question of the

alcohol content of beer. The Congress of the United States set up a standard, which the State of Maine adopted as its standard. At a subsequent time, years afterwards—about eight or nine years later—the Congress of the United States changed the alcoholic content and the State of Maine did not change its statute. A case was brought by the State of Maine against the Bevo Beverage Company, because their alcoholic content did not coincide with that fixed by the Congress of the United States. The case went to the Supreme Court, and the Court held, in substance, that since the Congress of the United States had, on a certain date, fixed the alcoholic content of beer, and the State of Maine had not changed its law to coincide with the Federal regulations, that, therefore, the old alcoholic content of the State remained.

Now, the Chief Justice reasons, from analogy, that if the State of Maine does not change its law now to coincide with the new law of the Federal government, that we will be in the position here in Maine of having a Standard Time fixed by the State, whereas all the other eastern area of the country would be on another Standard Time.

I presume that it is not necessary for me to call your attention to the inconveniences that would result from the situation. You would have your banks doing business all over this eastern part of the country.—the banks in Maine closing at 2:00 o'clock, the banks in other sections of the country at 3:00 o'clock. When will you present your notes for payment? Then, in the case of transportation companies, going from one state to another, it would cause great inconvenience. Then, in the case of your contracts—a merchant makes a contract to deliver a certain commodity at a certain place at a certain time. You are opening up a field that is very lucrative for lawyers to practice in, I admit that. As a lawyer I would like the law to remain as it is; but as a member of the Legislature, charged with the duty of trying to make sane, sound laws, I do not think that that is good legislation.

So, with that explanation, Mr. Speaker, I now ask unanimous consent to introduce a Bill; and I feel very sure that you will consent to its introduction.

The SPEAKER: The gentleman

from Portland, Mr. Shesong, offers a Bill and asks unanimous consent for its introduction. The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, may I ask through the Chair—

The SPEAKER: The Chair will rule that the question of unanimous consent is not debatable. The gentleman from Camden, Mr. Dwinal, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. DWINAL: Mr. Speaker, I should like to ask through the Chair if the situation, if this Bill is introduced and passed, would be any different than it has been during the past few years when Daylight Saving Time was legal? If it were legal in most states of the Union, particularly in the eastern states, and was not legal in the State of Maine, would there be any difference in the situation in regard to contracts and cases in court?

Mr. Shesong was granted unanimous consent to address the House the second time.

Mr. SHESONG: Mr. Speaker, I would say it would be a very much different situation. So far as Daylight Saving Time is concerned, that is purely a matter of clocks; you either put them ahead or leave them as they are, as you see fit, but your contract rights are fixed on Standard Time. Daylight Saving Time does not, in any way, shape or manner, interfere with any contractual relationships. Now under the present law, we have the situation of the entire eastern section of the country having a definite time of its own, so while they may have Standard Time in the east, people here in Maine would be under the obligation of meeting the Standard Time of other parts of the country. It strikes me like this: You are going to have two times all the time unless you change the law, whereas at the present time you have Daylight Time in the summer and then Standard Time for another period. If you do not change this law, then you are going to have two times all the time.

The SPEAKER: The gentleman from Portland, Mr. Shesong, presents a Bill and asks unanimous consent for its introduction. The Clerk will read the Bill.

The Bill was then read in its entirety by the Clerk.

The SPEAKER: Under the terms of the Joint Order passed earlier in this special session, this Bill requires for its reception at this time the unanimous consent of the members of this House. Is there objection to the reception of the Bill at this time?

Cries of "Yes, Yes."

The SPEAKER: The Chair hears objection and unanimous consent is refused.

The House may be at ease to assemble at the sound of the gong.

House at Ease

3:30 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair wishes to call to the attention of the visitors that the rules provide that no visitor shall occupy a seat on the floor of the House during the session of the House. The Chair therefore takes great pleasure in instructing the Sergeant-at-Arms to see that the Honorable Senator from Cumberland, Senator Hanold, is removed from his former seat. The Chair takes further pleasure in instructing the Sergeant-at-Arms to conduct the Honorable Senator to a seat at the Speaker's right, where he may sit as long as he cares to remain.

Thereupon, Senator Hanold was escorted by the Sergeant-at-Arms to a seat at the Speaker's right, amid the applause of the House.

Non-concurrent Matter

(Out of Order)

From the Senate: Bill "An Act providing for Appropriations and Adjustments Made Necessary by the War relating to Additional State Policemen and to Institutional Emergency Fund" (S. P. 587) (L. D. 1200) which was passed to be engrossed in the House as amended by Committee Amendment "A" yesterday in non-concurrence.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A".

In the House, on motion by the gentleman from Portland, Mr. Payson, the House voted to insist on its former action and ask for a

Committee of Conference and the Chair appointed as Conferees on the part of the House, the gentleman from Portland, Mr. Payson, the gentleman from Clifton, Mr. Williams, and the gentleman from Portland, Mr. McGlauffin.

On motion by Mr. Payson of Portland,

Recessed until 4:30 P. M.

AFTER RECESS—5:10 P. M

The House was called to order by the Speaker.

On motion by Miss Clough of Bangor, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Paper from the Senate

(Out of Order)

From the Senate: The following Order:

ORDERED, the House concurring, that Joint Order S. P. 616, relating to "Belmont Smith and Bonding Companies; release from liability on certain bonds," be recalled from the files, for the consideration of the legislature (S. P. 625)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

Passed to be Enacted

Emergency Measure

(Out of Order)

An Act Providing Means for Assistance in the Maintenance of and Snow Removal from Airports S. P. 580) (L. D. 198)

The SPEAKER: This Bill, having had its two several readings in the Senate and having been passed to be engrossed, having had its three several readings in the House, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty-five having voted in the affirmative and none in the negative, 125 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.

Emergency Measure

(Out of Order)

An Act Clarifying Certain Tax Laws to Safeguard Present Revenues (S. P. 581) (L. D. 1199)

The SPEAKER: This Bill, having had its two several readings in the Senate and having been passed to be engrossed, having had its three several readings in the House, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty-six having voted in the affirmative and none in the negative, 126 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.

Emergency Measure

(Out of Order)

An Act Providing for Appropriations and Adjustments in the Highway Department Made Necessary by the War (S. P. 620) (L. D. 1262)

The SPEAKER: This Bill, having had its two several readings in the Senate and having been passed to be engrossed, having had its three several readings in the House, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty-four having voted in the affirmative and none in the negative, 124 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.

Emergency Measure

(Out of Order)

An Act to Regulate the Sale and Packing of Sardines During the Present Emergency (H. P. 1946) (L. D. 1187)

The SPEAKER: This Bill, having had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty-six having voted in the affirmative and none in the negative, 126 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.

Emergency Measure

(Out of Order)

An Act Authorizing the Facsimile of the Signature of the Governor to be Used on Bonds Issued by the State (H. P. 1951) (L. D. 1190)

The SPEAKER: This Bill, hav-

ing had its three several readings in the House and having been passed to be engrossed, 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 this Bill be passed to be enacted?

This being an emergency measure, under the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the 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 twenty-four having voted in the affirmative and none in the negative, 124 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.

Finally Passed
(Out of Order)

Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands of Hancock County to Orman B. Fernandez, Old Town, Maine (H. P. 1998) (L. D. 1226)

The SPEAKER: This Resolve, having had its two several readings in the House and having been passed to be engrossed, 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 this Resolve be finally passed?

This being an emergency measure, under the Constitution requires for its final passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the final passage of this Resolve 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 twenty-four having voted in the affirmative and none in the negative, 124 being more than two-thirds of the entire elected membership of the House, the Resolve was finally

passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted
(Out of Order)

An Act relating to Ordinances of Towns relative to Trailers and Trailer Camps (H. P. 1990) (L. D. 1221)

An Act Regulating the Legal Length of Lobsters (H. P. 2008) (L. D. 1264)

An Act to Prohibit Non-Residents from Taking Certain Fish for Commercial Purposes (H. P. 2009) (L. D. 1265)

Finally Passed
(Out of Order)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to John Parent of Hamlin Plantation (H. P. 1963) (L. D. 1245)

Resolve in favor of the town of Durham (H. P. 1964) (L. D. 1267)

Resolve in favor of the town of Boothbay (H. P. 2002) (L. D. 1268)

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

House at Ease

Called to order by the Speaker.

House Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act providing for Appropriations and Adjustments made necessary by the War, relating to Additional State Policemen and to Institutional Emergency Fund" (S. P. 587) (L. D. 1200) reporting that the House recede and concur with the Senate in the adoption of Senate Amendment "A".

(Signed)
Messrs. PAYSON of Portland
McGLAUFLLIN of Portland
WILLIAMS of Clifton
—Committee on part of House.

BATCHELDER of York
BURGESS of Aroostook
BISHOP of Sagadahoc
—Committee on part of Senate.

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

Mr. PAYSON: Mr. Speaker, the House deserves an explanation of that report. The Conferees on the part of the House could do nothing else except to agree to this report, because there are other matters in this Bill which must be preserved, including the payment of the legislative salaries. If we disagreed entirely, the whole Bill would be gone, including the institutional emergency fund and the salaries of the Legislature. There was no possibility of arriving at an agreement on the Bill excepting through this measure. If the agreement was not reached this way, it would have been necessary to introduce through the Appropriations Committee a new Appropriations Bill to take care of the rest of the Bill which is not in dispute at all. Rather than to waste this Legislature's time through this foolishness, the House members went along on this report without having changed their minds in the least.

The SPEAKER: The question before the House is on the acceptance of the Report of the Conference Committee. Is it the pleasure of the House to accept the Report of the Conference Committee?

Thereupon, the Report was accepted.

The House then voted to recede from its former action whereby it passed this Bill to be engrossed as amended by Committee Amendment "A".

Committee Amendment "A" was indefinitely postponed. Senate Amendment "A" was adopted in concurrence and the Bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

House at Ease

6:00 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair notes with pleasure the presence in the hall of the House of the Honorable Francis Friend, President of the Senate, and requests the Sergeant-at-Arms to conduct him to a seat at the Speaker's right.

The Honorable Francis Friend

was then conducted by the Sergeant-at-Arms to a seat at the Speaker's right, amid the applause of the House, the members rising.

Paper from the Senate

(Out of Order)

From the Senate:

Joint Order relative to Belmont Smith and Bonding Companies; release from liability on certain bonds (S. P. 616) which was recalled to the Senate by Joint Order, and which was passed in the House on January 19th in concurrence.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The House voted to recede and concur with the Senate in the indefinite postponement of the Order.

Passed to be Enacted

(Out of Order)

An Act Validating Acts of Notaries Public who become Police Officers (S. P. 621) (L. D. 1263)

An Act Regulating Hours of Employment of Females (H. P. 1989) (L. D. 1220)

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

The SPEAKER: The Chair is informed that there are no further matters to come before the House at the present time.

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: According to the best information that we can get, if we tried to finish tonight, it would be some time in the early hours of the morning. I believe that the members of the House do not wish that. I therefore move that we adjourn until 9:30 o'clock tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House do now adjourn until 9:30 o'clock tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the House so adjourned.