

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Ninetieth Legislature

OF THE

# State of Maine

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SPECIAL SESSION

JANUARY 12, 1942

KENNEBEC JOURNAL PRINT SHOP  
AUGUSTA, MAINE

**SENATE**

Monday, January 12, 1942.

In compliance with a Proclamation of His Excellency, the Governor, Sumner Sewall, the Senators convened in the Senate Chamber at four o'clock in the afternoon.

The President being absent the Senate was called to order by the Secretary.

Prayer by the Rev. Lansing G. Putman of Augusta.

In the absence of the President, the Secretary read the Proclamation:

**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.

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 and Nine Hundred and Forty-one, and of the Independence of the United States of America, the One Hundred and Sixty-sixth.

(Seal)  
By the Governor  
**FREDERICK ROBIE**  
Secretary of State  
**SUMNER SEWALL**  
Governor

A true copy.  
Attest:

**FREDERICK ROBIE**  
Secretary of State

Which was read and ordered placed on file.

**Communications**

**DEPARTMENT OF STATE**

January 10, 1942

Honorable Royden V. Brown  
Secretary of the Senate.

Dear Sir:—

I am enclosing herewith a letter from Senator Gail Laughlin of Cumberland, tendering her resignation from membership in the Maine Senate, the same having been received from Honorable Nathaniel Tompkins, former President of the Senate.

Am also enclosing letters of resignation from Senators Norman E. Whitney of Penobscot, Carl F. Fellows of Kennebec, Nathaniel Tompkins of Aroostook, and James A. Melvin of Androscoggin, the same having been received from his Excellency the Governor on January 8, 1942.

These letters of resignation are being sent to you that they may be made a part of the Senate records.

Yours very truly,

**FREDERICK ROBIE**

Secretary of State.

Which communication and accompanying letters were read and ordered placed on file.

**DEPARTMENT OF STATE**

**STATE OF MAINE**

**AUGUSTA**

January 12, 1942

To Honorable Royden V. Brown  
Secretary of the Senate:

I hereby certify that on the twelfth day of January, 1942 Lincoln E. Clement of Durham, Harold N. Hanold of Standish, Robert Owen of Vassalboro and S. Waldo Burgess of Limestone, all having been elected Senators in the Ninetieth Legislature from the counties of Androscoggin, Cumberland, Kennebec and Aroostook, personally appeared before the Governor and Council and took and subscribed the oaths of office as required by the Constitution to qualify them to enter upon the discharge of their official duties.

IN WITNESS WHEREOF I have caused the Seal of the State to be hereunto affixed this twelfth day of January in the year of our Lord One Thousand Nine Hundred and Forty-two.

**FREDERICK ROBIE**

Secretary of State

Which was read and ordered placed on file.

The Secretary noted the presence in the Senate of the Senator from Androscoggin, Senator Clement; the Senator from Aroostook, Senator Burgess; the Senator from Cumberland, Senator Hanold; and the Senator from Kennebec, Senator Owen, and on behalf of the Senate welcomed them to membership in the Senate, and requested that they now assume their seats.

Thereupon the above Senators assumed their seats in the Senate, amid the applause of the Senate.

The roll being called, the following Senators responded to their names:

Batchelder, Bate, Bishop, Boothby, Bridges, Brown, Burgess, Chamberlain, Chase, Clement, Dorr, Dow of Franklin, Dow of Oxford, Elliot, Emery, Farris, Findlen, Friend, Hanold, Harkins, Harvey, Haskell, Hildreth, Hodgkins, Libby, Morse, Owen, Sanborn, Snow, Stilphen, Townsend.—31.

Thirty-one Senators having answered to the roll call, the Secretary declared that a quorum was present.

On motion by Mr. Chase of Washington, Mr. Elliot of Knox was appointed a committee of one to cast one ballot on the part of the Senate in favor of the Honorable Francis H. Friend of Somerset for President of the Senate; and that Senator having performed the duty assigned him, the Secretary declared the Honorable Francis H. Friend duly elected President of the Senate for the remainder of the political years 1941 and 1942.

Mr. Friend was escorted to the Chair by Mr. Elliot of Knox, and thereupon addressed the Senate as follows:

The PRESIDENT: Members of the Senate, I wish to thank you all from my heart for the real honor that you have given me. I am indeed grateful to you.

The Chair now awaits your pleasure.

On motion by Mr. Dow of Oxford, it was

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

The Secretary conveyed the message.

#### Message from the House

A message was received from the House by Mr. Payson of Portland informing the Senate that a quorum of the House is present for the consideration of such business as may come before it.

On motion by Mr. Farris of Kennebec, it was

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

The President appointed the following Senators:

Farris of Kennebec, Findlen of Aroostook, Harkins of Androscoggin to convey the message.

The Committee retired, and subsequently reported that they had delivered the message with which they were charged.

On motion by Mr. Elliot of Knox, that Senator was charged with a message to the Governor and Council informing them that the Honorable Francis H. Friend had been elected President of the Senate.

Subsequently Mr. Elliot of Knox reported that he had delivered the message with which he was charged.

On motion by Mr. Harvey of York that Senator was charged with a message to the House of Representatives informing that body that the Honorable Francis Friend had been elected President of the Senate.

Subsequently Mr. Harvey of York reported that he had delivered the message with which he was charged.

On motion by Mr. Hildreth of Cumberland, it was

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the convention and present such communication as he may be pleased to make.

The Secretary conveyed the message.

Subsequently a message was received from the House, by Mr. Pease, its Clerk, concurring in the

foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings of convention see House record.)

**IN THE SENATE**

The Senate was called to order by the President.

**Orders**

On motion by Mr. Bishop of Sagadahoc, it was

ORDERED, that the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate during the present session.

On motion by Mr. Dow of Franklin, it was

ORDERED, that Charles P. Lyford of Augusta be appointed Official Reporter of the Senate for the Special Session.

On motion by Mr. Brown of Aroostook,

ORDERED, that the Secretary of the Senate be authorized to procure the services of two stenographers during the Special Session, and for the preparation of the Senate Journal.

On motion by Mr. Harkins of Androscoggin,

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1942, convened on January 12th, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk (S. P. 1)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

**Communication**

**STATE OF MAINE**

Office of the Secretary of State  
Augusta, Maine.  
January 12, 1942.

To the President of the Senate:

In compliance with the constitution and laws of the State of Maine I have the honor to herewith transmit the returns of the votes cast for State Senators from Androscoggin County, Aroostook County, Cumberland County and Kennebec County at a special election held in said counties on December 17, 1941 to fill the vacancies caused by the resignation of James A. Melvin of Lewiston, Nathaniel Tompkins of Houlton, Gail Laughlin of Portland and Carl F. Fellows of Augusta.

Respectfully,

**FREDERICK ROBIE**

Secretary of State

Which communication and accompanying report were read and ordered placed on file.

**Orders**

On motion by Mr. Townsend of Penobscot, it was

ORDERED, that the Official Reporter of the Senate be authorized to procure the services of an assistant reporter for the preparation and completion of the Legislative Record, of the Special Session.

On motion by Mr. Stilphen of Lincoln, it was

ORDERED, the House concurring, that three thousand copies of the Governor's message be printed. (S. P. 2)

Sent down for concurrence.

Subsequently the foregoing message was returned from the House, having been read and passed in concurrence.

On motion by Mr. Snow of Piscataquis, it was

ORDERED, the House concurring, that the Superintendent of Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose. (S. P. 3)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Chamberlain of Penobscot, it was

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta 50 points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of State or his deputy; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 4)

Sent down for concurrence.

**The Report of the Legislative Research Committee on Proposed Legislation for the Special Session of the Ninetieth Legislature January 12th, 1942**

After declaration of war it seemed probable to the Chairmen of your Legislative Research Committee that a Special Session of the Legislature would be necessary. This Committee is organized and functioning. The Chairmen, therefore, wrote to the Governor and offered the services of the Committee for any work of suggesting, revising or preparing such legislation as might seem proper for consideration at the Special Session, prior to the meeting of the Legislature. The Governor accepted this offer in the spirit in which it was made and the Committee went into session on Monday, January 5th, and remained until Thursday evening, January 8th.

The Committee had many conferences with the Governor who made himself available at its call. He discussed fully and frankly the urgent and perilous problems that confront the State as a part of a nation at war with powerful and treacherous enemies.

The Committee had the advice and cooperation of the Attorney General and his assistants; it listened at length and questioned Colonel Sherman Shumway, State Chairman of Civilian Defense for Maine; Guy P. Gannett, Commander of the Maine Wing of the Air Patrol explained the urgent needs of the State in aeronautics.

From all these and from their own experiences among the people of their own communities the members of your Committee came to the full realization of the one overwhelming paramount need; prepa-

ration in civilian defense, and that preparation to be made without any knowledge or assurance that any time at all is granted us.

Civilian defense has made giant strides in our State under crushing handicaps. True, the work has been spotty—ardent interest and effort in one community, apathy and indifference in another, for the voluntary service involved. Some towns have studied religiously and followed carefully the uniform system and rules disseminated by the State organization leadership; others have devised or attempted to invent a divergent system of their own; volunteers have given their own time and even paid their own expenses to carry out this work of mutual self-protection and assistance, while others gave nothing of themselves, and even criticized or derided the efforts of those who sacrificed. So these volunteers in Civilian State Defense from Governor to the humblest volunteer have struggled without authority for organization or control of its form, without power to enforce rules for the safety of the public and without funds to provide even the necessary equipment.

The very faults and failures where they have occurred in civilian defense pointed to the remedies: authority to organize, authority to control the organization, authority to enforce upon the people for the protection of their lives and property, rules of conduct in times of emergencies by air raid or other attack; and, finally, money with which to pay for such absolutely indispensable equipment, instruction and preparation as are demanded.

Your Committee further found that the rules which must govern the members of the civilian defense corps and the rules which must govern the people for their own protection are changing from day to day as experience and study produce new and better methods of protection. For the Legislature to write these rules into statutory law and enforce them by penalties of law would require that the Legislature remain in constant session to make the necessary changes.

Your Committee found itself faced with a problem which has no precedent or parallel in our history. War in the historical way is fought between the armed forces; today's war is war upon the life and property of any and every man, woman

and child in our country. Our State Constitution was constructed and adapted to the historical methods of peace and war; either peace with normal government or riots and insurrection with martial law to be enforced by the militia—but no such situation as confronts us now was even dreamed.

The Attorney General's Department and the Revisor of Statutes had labored over a tentative draft of a bill intended to supply the lacks and to make the necessary preparations to meet this situation. Your Committee spent the greater part of three days and evenings re-drafting and re-redrafting this bill, conferring, discussing and fashioning between the hammer and anvil of opposing argument the best bill which it could formulate.

When this bill is presented to this Legislature, all the members will understand the shock and repugnance which was the effect of the proposed legislation upon the members of the Committee. The enormous abdication of legislative authority, the granting of unprecedented powers to the executive are alarming to all of us. But the question fairly facing all of us is to balance the stark necessities of war against the temporary suspension of our usual methods of government.

There may be other and better ways of coping with this emergency and if any member of this Legislature or any citizen of our State can suggest such a solution no one would be happier than the Governor or the members of this Committee.

Faced with these tremendous problems your Committee has done its best to aid in the preparation of the necessary legislation. Without pride and without apology for the results of its efforts, the Committee recommends only that its redrafting of the Civilian Defense Bill be received by this Legislature for consideration, hoping that it may serve as a basis for discussion and revision into a bill that will serve the best interests of this State.

This bill and all others which have been examined by this Committee should follow the usual orderly processes of legislation, should

be referred to proper joint standing committees and should be given properly advertised public hearings. The rights of the people of Maine rather than the rights of the legislators are involved.

Serious consideration should also be given by the Legislature to reservation of checks to itself in the administration of the Civilian Defense Bill. The apportionment of the expense of this effort among the Federal, State, County and Town Governments is a thorny and difficult problem to which your attention may be called. Any restrictions placed upon the executive power, your Committee feels, should be necessary and helpful, acting as safeguards and not as hindrances to the civilian defense effort.

Approximately thirty other bills proposed for introduction to this Special Session were submitted to this Committee. They were subsidiary in their importance to the bill to which the Committee gave the bulk of its time. We did, however, examine and discuss all of them, not with any intention of passing on their merit or lack of merit, but merely as to form in drafting, suggestions as to methods of solving some problems, and chiefly as to whether they were of sufficient emergency importance to require consideration at this Special Session. Our conclusions upon these have been discussed with the Governor and explained to the Attorney General. (S. P. 577)

Respectfully submitted,

ROBERT B. DOW  
 HORACE A. HILDRETH  
 W. MAYO PAYSON  
 ROBERT C. McNAMARA  
 E. S. FARWELL  
 LORENZO J. PELLETIER  
 ROLAND J. POULIN  
 ROY S. LIBBY  
 GORDON D. BRIGGS

On motion by Senator Dow of Oxford, the report was laid upon the table pending consideration, and one thousand copies ordered printed.

On motion by Mr. Elliot of Knox  
 Adjourned until tomorrow morning at 10 o'clock.