

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

SENATE

Friday, January 23, 1942.

Senate called to order by the President.

Prayer by the Rev. L. L. Dunn of Gardiner.

Journal of yesterday read and approved.

From the House:

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)

(In the Senate on January 22nd, passed to be engrossed as amended by Senate Committee Amendment "A".)

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

Mr. BURGESS of Aroostook: Mr. President, I would like to have this laid upon the table for approximately an hour so that we may have an opportunity to analyze the figures which have been submitted to us by that paper.

The motion to table prevailed.

House Committee Reports Ought to Pass as Amended

The Committee on Labor on Bill "An Act Regulating Hours of Employment of Females," (H. P. 1989) (L. D. 1220) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Salaries and Fees on Bill "An Act Providing for Increased Compensation to Sheriffs and Deputies During the Emergency," (H. P. 1943) (L. D. 1184) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended under suspension of the rules were given their two several readings and passed to be engrossed in concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial

Affairs on Bill "An Act Authorizing a War Bond Issue for Civilian and Military Defense Expenses," (H. P. 1950) (L. D. 1189) reported that the same ought not to pass.

(Signed)

Senators:

HILDRETH of Cumberland
EMERY of Hancock

Representatives:

McNAMARA of Winthrop
POULIN of Waterville
SLEEPER of Rockland
JACOBS of Auburn

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Senator:

CHASE of Washington

Representatives:

SEEGER of Kittery
ARZONICO of Yarmouth
MURCHIE of Calais

Comes from the House, the Minority Report read and accepted, and the bill passed to be engrossed.

Mr. CHASE of Washington: Mr. President, I move acceptance of the minority report, "Ought to pass."

Mr. HILDRETH of Cumberland: Mr. President, despite the overwhelming vote of yesterday by which the minority report of the Appropriations Committee was substituted for the majority report, I am neither ashamed of the reasons which dictated my vote against this bond issue nor am I afraid, in the face of apparently overwhelming legislative public opinion, to state those reasons. I believe the reasons which activated me in voting to reject this bond issue are fundamentally the same reasons which activated the committee. I shall speak in the first person lest I put words in the mouths of other members of the committee.

I believe you, Mr. President, and other members of the Senate, are entitled to know what those reasons are. In the first place, during much of the debate that I heard yesterday, the debate occurred on the ground of "Do we trust our Governor?" To me, that is not the issue today and it has not been at any time. I do not believe it is a personal issue in any sense of the word. I should like to say that I have the greatest confidence in our Governor. I believe he has made a remarkable record as administrator

of state affairs and I know of no man in public or private life in whose integrity I have greater confidence.

To me the issue is purely one of how far should the legislature abdicate? Since I first came down here as a member of the Legislative Research Committee about three weeks ago, I have steadily increased my conviction that in these perilous times the Governor should not have his hands tied, that the powers given to him should be very broad, indeed. He should in no way be fettered, chained in meeting very rapidly changing circumstances. The bill which the Legislative Research Committee submitted, not with its recommendation, but for consideration by the legislature apparently was broader than the legislature felt it should pass, so they put a restriction in there that provided that in case of an extreme emergency he could exercise these very broad powers for a period of only 30 days without calling the legislature into session. Personally, I do not think that was the most effective means of the legislature retaining its responsibility and avoiding the accusation of abdicating.

If we ever got in such an acute emergency as was contemplated when those powers would be called into force by the Governor, I believe the emergency would be so acute that it would be utterly impossible for a large group to act, and only one man should act, and I prophesy that if we are so unfortunate as to have those powers called into effect and the legislature called into session they will immediately vest in him these same powers for the duration of the emergency and leave with him to determine the duration of the emergency. To my way of thinking, the proper way for the legislature to retain control of the purse strings. If the legislative powers in this state and in the country have been on a toboggan chute or downgrade for a number of years, it is because the legislature has not retained control of the purse strings.

It seems to me, as a member of the Appropriations Committee, that with a million and a quarter dollars available for Civilian Defense expenditures prior to the end of the fiscal year ending June 30, 1943, that there was an adequate amount to meet the situation. The great

bulk of this money will be available prior to the next regular session of the legislature on January 1st, next. My theory is that we should not give a blanket check for a million dollars. This civilian defense is an unknown, untried and unproved field in which we are all trying to feel our way. If a million dollars is spent on civilian defense, then I believe it would be a fitting check for the legislature to say to the Governor, "Tell us what happened to that million dollars and maybe we will give you five times as much next time," but a million or a million and a quarter dollars is a long way to go without an accounting to the legislature.

I do not believe that it is a question of whether we trust our governor. It doesn't make any difference to me whether our governor's name is Sewall, Roosevelt, Willkie or any other name. I believe the legislature should retain control of those purse strings and after the expenditure of a reasonable amount of money should find out what happened to it.

I furthermore would like to draw a distinction that civilian defense, at least to my mind, does not mean waging war upon the axis powers. Civilian defense is protection at home. In so far as we are waging war I will appropriate to the last penny for the waging of war by the federal government in whose hands the prime responsibility quite properly rests.

Is a million and a quarter a reasonable amount of money? No one knows; I grant that. But it seems reasonable, at least to me, to have an accounting, to have an explanation, after that much has been spent. If the situation becomes extremely acute and we go into that field under the civilian defense bill where the broad emergency powers are called into effect, I quote to you the powers that the Governor has: "Whenever the Governor has proclaimed the existence of such a state of emergency he may take, use or utilize for such time as he may deem necessary all the man-power and all the material resources in the state whether public, private or corporate."

Is the Governor, in case of an acute emergency, going to be hamstrung for lack of funds with a power such as that at his disposal? I don't think we are hamstringing

the Governor with a provision such as that at his disposal. My sole argument is based upon the retention of control by the legislature and not in any way hamstringing the Governor. I don't think he ought to be hamstrung. How many of us have seen businesses started with an excess of funds and have seen those businesses make fairly grave mistakes because they were blessed with too much money!

To my way of thinking it might very well relieve the Governor of embarrassment, it might be a help to the Governor, if he did not have this million dollars, he and the Council, at their disposal. I submit that if it is known by the public, if it is known by the federal government, that this million dollar bond issue is available the pressure on the Governor and Council for things which should not be done by the Civilian Defense Commission is going to be just that much greater. I truly believe that we will be doing the Governor and Council a favor to limit those funds.

It is not Governor Sewall, nor any individual, that I mistrust. It is human nature that I mistrust, regardless of his name and regardless of the names of the members of the Council. If they have a definite amount of cash at their disposal to undertake a job but they have in their back pocket a certified check that they know they can call upon any time they want to, I submit that it affects their judgment just the same as if any of us sat down in a poker game with a blank check in our pocket, the way we would play would be very different than if we had a definite and known amount of funds.

Another aspect which influences me is the fact that already there has gone through the House of Representatives of our national Congress a bill proposing to put civilian defense under the federal government and appropriating a hundred million dollars for that purpose. Who knows but what next week, next month, tomorrow, that might go through the United States Senate and the whole problem of civilian defense would be put into the hands of the army? If that comes six months from now it may well be figured that we figured it wasn't coming and accordingly embarked upon the program and made commitments which were utterly

unnecessary and which properly belonged to the federal government.

In closing, let me repeat: I do not want to hamstring the Governor in any way. I would have gone further than the legislature was willing to go in giving powers but I would have kept control of the situation in the legislature by controlling the purse strings.

Although apparently I may be pretty nearly the last person in the legislature to want to give him the amount of funds called for in this bill, I can assure you that I will be one of the last to criticize him in the use of those funds.

And finally, I repeat that if we get into the acute situation which so many of us are disturbed about, reading from the Civilian Defense Bill which has already gone through this legislature: "The Governor may take, use or utilize for such time as he may deem necessary all the manpower and all the material resources in the state whether public, private or corporate." He is not hamstringing for lack of funds in an acute situation with that provision in there. In my judgment the majority opinion of the Appropriations Committee should be upheld and I trust that the motion of the Senator from Washington will not prevail.

Mr. EMERY of Knox: Mr. President, I have listened with attention to the remarks of my colleague, Senator Hildreth. Nothing I could say would add to his explanation of the reasons why those of us who signed the majority report did so. I can simply state that I agree wholly with the statements which he has made.

Mr. CHASE of Washington: Mr. President, if I may use a homely comparison and something which I think you will all understand I will say that by the passage of the civilian defense bill we have presented the Governor with an automobile to be used for state purposes and now we expect him to set forth on a difficult journey with no spare tires. This bond issue is the spare tire which may make his journey a safe one for the state.

Mr. BISHOP of Sagadahoc: Mr. President, I hesitate to enter into this debate but nearly every member of this legislature, yes every citizen of the State of Maine is also without a spare tire! I appeared before the committee hearing and I

opposed the passage of this bond issue, and these are my reasons why. I believe this is more legislation under the guise of an emergency. I asked three questions and I have not yet had their answer. Who is going to spend the money? What is it going to be spent for? And how is it going to be repaid?

Now, those are questions that every private enterprise or business asks before they borrow money. I believe that is sound business. Therefore, what is sound business in private affairs is also sound business in governmental affairs. We remember that only a short time ago at a special session a bond issue of two million dollars was raised and passed. What have we to show for it today? I believe that we should pay as we go and I believe we can pay as we go. If there is any benefit to be gained from this emergency or defense or what-have-you I believe we are the ones that are going to benefit by it. Therefore I believe it is our sacrifice to make, not our children's and our children's children. We must pay as we go.

At the committee hearing they asked me if I had a suggestion as to how this money could be raised and I gave this: A year ago there were hundreds and thousands in this state who were on relief. They were out of work, and it was unfortunate. But today these same thousands are working for forty, fifty, sixty and a hundred dollars a week. Last spring I saw some old jalopies going by my home, four or five fellows in each one—my neighbors and friends—going down to the Bath Iron Works to their jobs, or to similar jobs. It was only a few weeks before nearly every one of those fellows had a brand-new automobile, and I am glad for them. And they weren't riding four or five in a car, they were going individually. And when it came haying time I am going to guess if I picked up one on my mowing machine I did five hundred empty beer cans on the edge of the highway. I have seen my good friends and neighbors riding along drinking their beer as they travel. They have money for automobiles, they have plenty of money for liquor. A week ago last Saturday afternoon I had occasion to visit the manager of the Brunswick liquor store. I went in there about four o'clock and it was a quarter after five when

I came out. The influx of the traffic from the Bath Iron Work goes through Brunswick about five o'clock. When I came out through that lobby it was so crowded with customers waiting for their week-end liquor that I had difficulty to get through, and ninety-nine percent of those fellows had a badge on their cap saying they worked at the Bath Iron Works.

Now, I believe we can and must pay this thing as we go. We should and must teach those fellows to save their money or we must take some of it and pay this defense bill. They are the ones that are gaining. They are the ones that are going to be protected by it. They are the ones that should help pay the bill. Because after this bubble bursts, and it is going to burst, those same fellows, many of them, will be on relief again and they won't be able to help pay this million dollar bond issue. It is only sound business. It is the common sense thing that we do in private enterprise, and I second whole-heartedly the remarks of my brother from Cumberland, Senator Hildreth.

Mr. OWEN of Kennebec: Mr. President, it is with great reluctance that I rise on this occasion because I have come into the game in the ninth inning and I have no desire to knock out a home run. But I certainly do not want to strike out.

My good friend Senator Bishop has asked three questions and in my opinion they can be very easily answered. This money will be spent by the Governor in whom we have entrusted the power. It will be used for the defense of the people who have sent us here to Augusta to legislate for them. It will be repaid by those who have been defened.

If there were any constructive piece of legislation under consideration whereby this money could be obtained as we go, I would be very glad to see it, but we have no such bill under consideration.

Mr. President, I move that when the vote is taken it to be taken by the yeas and nays.

Mr. ELLIOT of Knox: Mr. President and members of the Senate, when we were called in special session, about a month ago when we received our notices it was my understanding and I believe it was your understanding when we came

over here that it would be necessary for us to raise at least two million dollars for civilian defense. I had the pleasure of sitting in and hearing the Governor's message when we first came in and to my surprise I found that through savings in departments and increases in revenues, savings had been effected in the vicinity of a million dollars therefore necessitating the raising by us at this special session not of two million dollars but one million dollars.

Now we passed our civilian defense bill and are we going to tie our Governor's financial hands behind his back so he cannot do the things we have told him are necessary to do? I say no. My distinguished colleague the Senator from Cumberland, Senator Hildreth, says that in the face of overwhelming public opinion he still is opposed to the bond issue for civilian defense. I say that I represent public opinion, I hope. If public opinion is overwhelmingly in favor of a bond issue and overwhelmingly in favor of protecting the lives and properties of citizens of Maine I am for it. I also say this, in view of the action taken in the House yesterday, a vote of 113 to 15, to my mind that is an ultimatum to the Senate to follow in their footsteps. If the House represents the views of the people of Maine and the Senate does not, I shall be very, very much surprised.

Mr. HILDRETH: Mr. President, either the Senator from Knox, Senator Elliot, misunderstood me or I did not say what I thought I did. I intended to say, and thought I said, in the face of overwhelming legislative opinion, not public opinion. I believe that public opinion is at least fifty percent on the side of the majority opinion of the Appropriations Committee.

Mr. STILPHEN of Lincoln: Mr. President, I believe that we are getting away from the real question that we are deciding upon. I believe that the emergency is greater than in the world war and I believe we can and should cut out questions of temperance and purse strings and so on, and do all that we can for the safety of our people and of our homes.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Chase, that the minority

report of the committee "ought to pass" be accepted.

Mr. HILDRETH: One more word, Mr. President. I do not think it was fairly stated to say that we are tying the Governor's hands behind his back and I would like to say again that when the Governor has the very broad powers which I have read to you twice, and which I will read again, that I do not think we are tying his hands behind his back or anywhere else. In case of acute emergency he "may take, use or utilize for such time as he may deem necessary all the man-power and all the material resources in the state whether public, private or corporate." If this measure is going to be enacted then let us have the courage to put with it a tax program and pay as we go policy, and not chuck it out the back door on a bond issue.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Chase, to accept the minority report of the committee "ought to pass." The yeas and nays are asked. As many as are in favor of the vote being taken by the yeas and nays will rise and stand until counted.

A sufficient number having risen, the yeas and nays were ordered.

The Secretary called the roll:

YEA: Senators Batchelder, Bate, Bridges, Brown, Burgess, Chase, Dorr, Dow of Franklin, Dow of Oxford, Elliot, Farris, Findlen, Hanold, Harvey, Haskell, Hodgkins, Morse, Owen, Sanborn, Snow, Stilphen, Townsend—22.

NAY: Senators Bishop, Boothby, Boucher, Clement, Emery, Harkins, Hildreth—7.

ABSENT: Senators Chamberlain, Hinman, Libby—3.

Twenty-two having voted in the affirmative and seven in the negative, the motion to accept the minority report "ought to pass" prevailed.

The bill was given its first reading.

Mr. CHASE of Washington: Mr. President, I wish to present Senate Amendment A and move its adoption and may I say in explanation that the treasury department found in the second section wording which did not agree with the statute and they have prepared this very brief amendment.

The Secretary read: "Senate

Amendment A to House Paper 1950, Legislative Document 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 words 'semi annually' in the first paragraph of Section Two thereof and inserting in place thereof the following: 'Said bond shall bear the facsimile of the signature of the Governor and shall be'. Further amend said bill by striking out in the first paragraph of Section Two thereof the following: 'Countersigned by the Governor or by his facsimile signature.'

Senate Amendment A was adopted and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A in concurrence.

Ought to Pass

The Committee on State Lands and Forest Preservation on "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) reported that the same ought to pass.

Which report was read and accepted in concurrence, the resolve read once and under suspension of the rules given its two several readings and passed to be engrossed in concurrence.

Communication

MAINE STATE POLICE
Augusta

January 23, 1942.

To the Honorable Senate:

Pursuant to your order of January 22, I am submitting herewith the Financial Statement of the Maine State Police covering the fiscal years of 1938-1939; 1939-1940; 1940-1941; and the first half of the fiscal year 1941-1942.

Respectfully submitted,

HENRY P. WEAVER, Chief
Maine State Police

Which was read and order placed on file.

Memorial

Mr. Hanold of Cumberland presented by unanimous consent "Memorial to the Senators and Representatives from Maine in the Con-

gress of the United States Assembled." (S. P. 624)

MR. HANOLD of Cumberland: Mr. President, in brief explanation of this memorial in this, my initial appearance on the floor of the Senate, I have a few remarks to make. I was assured that by introducing this memorial it would not in any way hamper the proceedings of the legislature. This matter was called to my attention yesterday by the action of the legislature of Rhode Island. It is a memorial to the representatives and senators against the Wheeler bill, so called. The Wheeler bill, a federal document, would place in the hands of the Interstate Commerce Commission complete and absolute control over all trucks and other vehicles used in interstate commerce. It is just another step to rob this state and other states of our sovereign power.

Now, when the Interstate Commerce Commission is given permission by act of Congress to regulate the sizes or dimensions and weights of motor vehicles in Interstate Commerce, it means, under the terms of this bill, that they may say to Maine, "You can increase the weight of trucks to 50,000 or 100,000 pounds." That means we have got to build our highways and bridges to conform to that regulation.

They are built for three main objectives, as we all know, first, to facilitate travel; second, to permit highway safety; and third, to conserve our resources, in that our roads and bridges are built only to that extent for which we are able to pay. And I submit to you that this encroachment on another of our state's rights is not correct. This will not have any effect whatsoever on national emergency in the transportation of defense material. In the motor transport division of O. P. M. or X. Y. Z. or something like that in Washington, they have a director of transportation who has complete authority to regulate any state law during this emergency. I move the passage of this resolution.

MR. SANBORN of Cumberland: Mr. President, may I very briefly supplement the very clear explanation of the purpose of this memorial which has been made by my colleague, Senator Hanold, by giving a bit of history.

Sometime back the federal authorities complained because there was a lack of uniformity among the

states, particularly the northeastern states, in their legislation regarding motor vehicles. The Council of State Governments, which is undertaking to conserve the rights of states, interceded and assured the Congressional committee that if they would defer federal legislation an attempt would be made to bring these northeastern states into line. That attempt has been made and carried out to this extent, that in all these northeastern states there is practical uniformity. In fact, Maine departs from the standard in just one item. The result which the federal authorities asked for has been practically accomplished. We, the Commission of Interstate Cooperation on the part of Maine which is cooperating with the Council of State Governments, feel very strongly that it is now unfair for the national congress to legislate, when they have said in effect to us, "If you will come in line and cure these defects, well and good; if not, we will take charge." We say we have substantially taken care of the situation. For that reason I hope this memorial,—although it may have little effect, but for what effect it may have—I hope it will be adopted.

THE PRESIDENT: The Chair notes the presence in the Senate Chamber of George Varney, Speaker of the House. The Chair will ask the Speaker to come to the rostrum.

Thereupon, Honorable George Varney, Speaker of the House of Representatives, was escorted to the rostrum amidst the applause of the Senate, the members rising.

THE PRESIDENT: Is it the pleasure of the Senate that unanimous consent be granted for the introduction of this memorial?

There being no objection, the memorial was introduced by unanimous consent.

Upon motion by Mr. Hanold, the memorial was adopted.

Sent down for concurrence.

Thereupon, on further motion by Mr. Elliot of Knox

Recessed for one half hour.

Passed to be Engrossed

Bill "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)

Bill "An Act Relating to Ordinances of Towns Relative to Trailers and Trailer Camps." (H. P. 1990) (L. D. 1221)

Bill "An Act Providing for Better Protection of the Portsmouth-Kittery Bridge." (H. P. 1991) (L. D. 1222)

Bill "An Act to Incorporate the Eliot Water District." (H. P. 2006) (L. D. 1261)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Amending the Law Relating to the Maine Nautical School to Provide for War Emergency." (H. P. 1938) (L. D. 1179)

Bill "An Act Permitting Savings Banks to Assist in House Building During the Present Emergency." (H. P. 1966) (L. D. 1212)

Which bills were severally read a second time and passed to be engrossed as amended, in concurrence.

Bill "An Act Amending the Unemployment Compensation Act to Further Conform with the United States Law." (S. P. 617) (L. D. 1259)

Bill "An Act Validating Acts of Notaries Public Who Become Police Officers." (S. P. 621) (L. D. 1263)

Which bills were severally read a second time and passed to be engrossed.

Sent down for concurrence.

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

"Resolve in Favor of the Town of Durham." (H. P. 1964) (L. D. 1267)

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

"Resolve in Favor of the Town of Boothbay." (H. P. 2002) (L. D. 1268)

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

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

Bill "An Act Relating to the Transportation of Firearms by Police Officers." (H. P. 2010) (L. D. 1266)

Which bills and resolves were severally read a second time and

passed to be engrossed in concurrence.

Bill "An Act Providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War." (S. P. 593) (L. D. 1205)

Which was read a second time, and passed to be engrossed as amended.

Sent down for concurrence.

Bill "An Act Relating to Daylight Saving During the Present War." (S. P. 623)

Which bill was read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

The PRESIDENT: Is there further business to come before the Senate at this time?

On motion by Mr. Elliot of Knox recessed for one-half hour.

After Recess

The Senate was called to order by the President.

From the House:

Bill "An Act Relating to Pre-marital Medical Examinations in Emergencies." (H. P. 1953) (L. D. 1191)

(In the Senate on January 22nd, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and now asking for a Committee of Conference, and having appointed as members of such a Committee on the part of the House:

Messrs. GRUA of Livermore Falls
DOWNS of Rome
McGLAUFFLIN of Portland

Mr. SANBORN of Cumberland: Mr. President, in view of the apparently disagreeing actions of the two bodies, the time that would necessarily be consumed by a committee of conference, the undesirability of enacting hastily and of half-considered legislation, and of the further fact that in only a few months there will be ample opportunity for a legislature in regular session to work this matter out after mature consideration, I move the indefinite postponement of the bill.

Mr. TOWNSEND of Penobscot: Mr. President, as author of the pre-marital bill which was passed by this legislature in regular session I would just like to say that I am not opposed to Senator Sanborn's proposal for indefinite postponement of this amendment.

The motion to indefinitely postpone in non-concurrence prevailed.

Sent down for concurrence.

House Committee Reports

The Committee on Legal Affairs on Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers," (H. P. 1956) (L. D. 1194) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House passed to be engrossed as amended by Committee Amendment "A" and as further amended by House Amendments "A" and "B".

The report of the committee was accepted in concurrence and the bill was given its first reading. Committee Amendment "A" and House Amendments "A" and "B" were adopted in concurrence.

Mr. SANBORN of Cumberland: Mr. President I rise to offer Senate Amendment A and move its adoption, and perhaps I should offer a brief statement and explanation.

I fear, Mr. President, that the prayers to which we have listened at the openings of our several sessions asking for Divine guidance may not have had that complete answer which their authors hoped for as it does appear that in our haste more or less errors have crept in. The amendment I am now offering I am told is one which was intended to have been offered with the others in the House and to have been acted upon there, it being the fact that there appears to be no substantial opposition to the ultimate passage of the pending bill, and certainly I would be the last one to interject anything into the proceedings that would imperil its passage.

The bill as framed provides for numerous adjudications on the part of the trustees of the fund which is set up by the act. It is conceded, and I assume rightly so, that in more or less instances parties may consider themselves aggrieved by these decisions and rulings and, in accordance with the universal

policy of the state of Maine to hold our courts open to all parties who wish their rights to be ultimately determined, this amendment merely provides that when such a ruling appears to be prejudicial to any person such person may have a right to take an appeal from such decision to the superior court here in Kennebec County. That is the only purpose of the amendment. I didn't draw it myself—and that doesn't mean that I think if I had drawn it it would certainly be right—I only wish to say that in such time as I have had to look it over, I have not noticed anything that doesn't seem entirely consistent and in conformity with the law. I hope, if adopted, it will effectuate the purposes intended.

The Secretary read Senate Amendment "A":

"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 court."

Senate Amendment "A" was adopted.

Thereupon, under suspension of the rules the bill as amended by Committee Amendment "A" and by House Amendments "A" and "B" and as further amended by Senate Amendment "A" was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Passed to Be Enacted

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 the State Animal Husbandry Specialist. (S. P. 599) (L. D. 1240)

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

Emergency Measure

Bill "An Act Relating to Corporations for Establishing and Maintaining Hospitals." (S. P. 592) (L. D. 1207)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Emergency Measure

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed was passed to be enacted.

Emergency Measure

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed was passed to be enacted.

Emergency Measure

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Emergency Measure

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

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Emergency Measure

Bill "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)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

Mr. BURGESS of Aroostook: Mr. President, I would like to ask of you whether you wish me to take from the table now the item which I tabled previously this morning, or after the noon recess. I will do whichever you desire.

The PRESIDENT: The Chair understands that the Senate will recess until two o'clock and if it is agreeable to the Senator, the Senator could take the bill from the table at that time.

Mr. BURGESS: I thank you.

The PRESIDENT: We are proceeding under Orders of the Day.

On motion by Mr. Elliot of Knox Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Order

(Out of Order)

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

ORDERED, that the Secretary of the Senate be directed to send a basket of flowers to the Honorable James K. Chamberlain as an expression of its sympathy and hopes for his speedy recovery.

On motion by Mr. Burgess of Aroostook the Senate voted to take from the table, bill, An Act Providing for Appropriations and Adjustments made Necessary by the War, Relating to Additional State Policemen and to Institutional Emergency Funds (S. P. 587) (L. D. 1200) tabled by that Senator earlier in today's session pending consideration.

Mr. BURGESS of Aroostook: Mr. President, I now move that the Senate insist on its former action whereby the bill was passed to be

engrossed as amended by Senate Amendment "A" in non-concurrence. And I would like at this time to make just a brief summary of this entire bill.

Yesterday, as you will remember, an order passed this Senate asking for the expenses of the police account covering the past three years and they have been submitted to the Senate. I have not attempted in any way to analyze the total but I do want to say this, that the last regular session appropriated for the state police \$20,000 more than in any preceding year.

In analyzing the current year's appropriation of that department I find that the department is and will be well within its appropriation. Now, gentlemen, as far as I am concerned the issue at stake is this, whether or not we want to permanently increase our state police force or whether we want the matter handled under the extreme powers which we have delegated to our good Governor and with the money that we have appropriated for him to do what is needed to be done.

The original bill as presented to this legislature asks for funds sufficient to increase the force by fifty men. I want to quote the Chief who, at the hearing, said there were 97 men on duty at that time and that some of them were doing instruction work in the Civilian Defense program but that they would be finished in February. Gentlemen of the Senate, if I thought for one minute that the defeat of this bill would in the slightest degree handicap the carrying out of the Civilian Defense program you would not see me on my feet. We have taken care, by other measures, of any possible thing that could arise, with authority and with money.

I have no doubt, and I am sure that you have no doubt, that the Governor under the authority which we have granted could increase the state police force tomorrow or next week by any number that he felt was necessary, but by doing so it would be temporary and we would not have built up a permanent organization to a position which I believe the people of Maine do not want.

The increasing of the state police force by 25 men solves nothing but it does set a precedent whereby the taxpayers in the state of Maine in the future will be faced

with more taxes. I stated previously that our good Governor in his message has shown us savings. I am not looking for any opportunity to spend any of that saving. Let us save it if we can and give him the credit of the saving to the taxpayers of the state who in the future are going to be taxed to their very limit.

Mr. President, I have moved that the Senate insist on its former action and I hope that that motion will prevail.

Mr. HILDRETH of Cumberland: Mr. President, at the risk of covering a little ground that was covered the other day I want to make a fairly comprehensive statement. In the first place, I want to frankly admit that the Senator from Aroostook, Senator Burgess, does state the issue when he says that it is principally a question of permanent employment, a permanent increase in the state police force.

Before the Appropriations Committee, Chief Weaver very frankly stated that it was not fair to the men on the police force at a \$22.00 salary when they could earn three times as much in the shipyards, if in a comparatively short time they knew they were going to be let go. The only kind of troopers he wants on the state police force, he said, are troopers who are willing to make a career of their job.

In the next place, there is no increased taxation necessary for this because of the fact that already out of current savings there are sufficient funds to meet this object. I believe that the Senator from Aroostook, Senator Burgess, misunderstood the Chief when he appeared before the Appropriations Committee because as listed the personnel as of January 1, 1941 was 98 men but the listed personnel as of January 1, 1942 was 86 men.

If any of you have studied the statement which was submitted this morning you will find that whereas in the past two or three fiscal years there was a very substantial overdraft of approximately \$30,000, the fiscal year ending last June showed an overdraft of only \$8,000 for the entire fiscal year and yet the state police department today has as many men patrolling the highways as they did at the peak period so far as the personnel of the state police is concerned.

This has been accomplished by relieving state troopers from clerical

work in the department and putting them on the highways and in the detection of crime and using in their places in the department for clerical work civilian employees, and these civilian employees have gone up from 17 to 31 in that period but at no extra cost to the state police department; merely a rearrangement of the work.

Now I wish to make clear, perhaps unnecessarily at this point, that the issue this legislature is debating is not any one person. It is whether the state police should have an additional number of men. Personalities, for better or for worse, have no appropriate place in the discussion of the bill before this legislature. In the discussion the other day there was some reference made to the fact that people were able to ride on the highways considerable distances without encountering state policemen. What were they doing? Teaching ladies artificial respiration was the inference. Let me give you just a brief summary of some of the activities which the state police carry on.

Since late 1940 the number of subversive activities investigated and forwarded to F. B. I. to date is 375. The number of investigations of selective service delinquents and army deserters since October, 1941 is 50. The number of cases investigated since the new case reporting system started in July, 1941 is 2190. That takes in stolen car cases, missing persons, larceny, intoxication, fraud, assault and battery, accidents and motor vehicle violations. The total number of arrests, motor vehicle violations alone not included in the above, reaches approximately 4650.

In Maine we have five police posts with approximately 25,000 miles of highway patrolled. Maine stands third in line in the list of states having the most miles to cover by patrol. These are some of the activities which are being carried on by the state police when they are not seen on the highways.

The present situation is bringing about a great deal of additional work. The Portsmouth Navy Yard with increased personnel of 8000 to 9000 has a total of 1400 automobiles on the morning shift, 700 on the afternoon shift and 600 on the night shift. Double these figures as they go to and from work and it makes a total of 5400 cars. Accident frequency has shown a sub-

stantial increase between Kennebunk and Kittery. I won't read the Bath figures which are of similar import. On the 30 mile patrol from Augusta to Brunswick, while the officer was centering his effort on the Augusta end accidents piled up substantially on the Brunswick end. He turned his effort to the Brunswick end and immediately accidents piled up on the Augusta end.

I wonder how many members of this legislature have ever taken the trouble to go over to the state police barracks and investigate to any extent the work that the state police are carrying on. Frankly, I never had until last night. I went over there and I made quite a thorough—not as thorough as I should like—but quite a comprehensive study of the work that the state police is doing.

This morning I had an unsolicited call from Mr. George Fernald, Secretary of the Maine Bankers' Association, wanting to say a good word for the state police and how much help the state police had given them over the past few years. I had calls from Mr. Niehoff, county attorney of Kennebec, who, as the Senator from Kennebec, Senator Bate, said the other day agreed that the state police had saved the county of Kennebec thousands of dollars. I had a similar call—all of these completely unsolicited but they knew the thing was coming back for discussion before this Senate this morning—I had a similar call from the county attorney of Cumberland County, Mr. Albert Knudsen, who reported most enthusiastically on the tremendous amount of help the state police had been to his department, saving Cumberland County thousands of dollars.

A similar call from the county attorney of York County, in effect giving the same message as to cooperation. They all emphasized the fact that they had received the utmost cooperation from the state police and felt very greatly indebted to them for the efficient and trained assistance that has been rendered from time to time without any cost to their respective department. These activities account to a considerable extent for the fact that you gentlemen do not see state troopers on the highway perhaps as much as you might like to see them.

It has been remarked around the halls of the legislature that it is possible for several additional men to be entered in the state police at the present time. This is absolutely not so. I did not rely upon figures obtained from the state police. I am authorized to quote the Controller of the state, Mr. Mossman, to that effect. It has been said here this afternoon, as well as in the corridors of the legislature, that the Governor could put on state troopers for temporary purposes and we wouldn't have them on the force as permanent employees. I have already said that the issue should be recognized fairly. If the police force is going to be built up it is desirable to build it up on a permanent basis with the right men on the job. But as regards the Governor's ability to appoint state troopers to the state police force, I am authorized to quote officially the attorney general to the effect that that is not possible under the legislation we have passed in this legislature at this session except when you get under the extreme emergency where he can set up practically martial law.

Furthermore, if you ever reached that situation you would not be getting the trained troopers that you want. If there is any thought in any of your minds that you are going to need state troopers or their equivalent under those circumstances, now is the time to put them on, so they can have their training and be qualified to meet the responsibilities with which they may be faced.

I believe this covers the ground and I hope the motion of the Senator from Aroostook, Senator Burgess, will not prevail; and in voting I trust that the Senate will keep the issue in mind and clear from personalities.

Mr. FARRIS of Kennebec: Mr. President, I want to go on record as opposed to the motion of the Senator from Aroostook, Senator Burgess, and I want to support the unanimous report of the Committee on Appropriations and Financial Affairs.

When we came in here the Governor, in his message to us in joint convention assembled, stated that he would like to have 50 extra state police. The Committee on Appropriations heard the evidence and they made a compromise on 25 and they made it a unanimous

report to this legislature which has been accepted by the other branch.

I believe that personal prejudice or political ambition should not enter into the picture. We are here to legislate for the welfare of the State and if we can increase the efficiency of our state police by increasing the number by 25 through this appropriation bill, I believe that this is the time to do it, while we are here considering these matters, so that when the emergency does arise, as the Senator from Cumberland has already stated, they will be trained and prepared to go out and assist the Governor in organizing the civilian defense work.

Now, Mr. President, I ask that when the vote is taken it be taken by the yeas and nays.

Mr. BISHOP of Sagadahoc: Mr. President, I am thoroughly convinced after the discussion here this afternoon and after the discussion yesterday that we have before us an issue that is a most controversial one. When all the members of the Senate delegation from Aroostook take issue with one another you can feel very certain that there is much at stake. I hope you will also note that the delegation from Sagadahoc is always in complete harmony and unity with itself.

The bill that we have before us for consideration is listed as an emergency measure, yet the proponents of the bill say that it is not an emergency measure but one of a permanent nature. We are still using the guise of an emergency and of defense to get through legislation.

Now, I like to see honest differences of opinion. I believe that a good snappy argument is a healthy sign of good government. I realize that the tempo of this whole legislature is at a very high and strained pitch but let us not become hysterical, let us not get panicky. To relieve this strain I ask permission to relate a little incident that happened only last Christmas. A father had two boys, two young sons. They were very different in their temperaments. One, no matter what you did to him or what happened was always happy and cheerful, and if there ever was an optimist that little fellow was it. The other little boy, however, was just the opposite. No matter what happened, no matter how well he was used, he was al-

ways dissatisfied, and if ever there was a pessimist he was it.

Now, the father was somewhat concerned about the situation and he thought he would try an experiment. So when Christmas eve came and the boys hung up their little stockings waiting for Santa Claus, he let Santa Claus perform that experiment. The little pessimist or little boy who was never satisfied, his stocking was filled to overflowing with all the toys and things that any boy could hope for. Now, the other little boy who was always cheerful, Santa Claus filled his stocking with horse manure. The next morning when these little boys came down from their beds to see what Santa Claus had left, the little boy who had all the toys dumped his stocking on the floor, scattered the toys around and said, "There isn't anything there that a boy would want." The other little boy when he saw his stocking, ran to his Dad's bedroom and said, "Daddy, oh Daddy, see what Santa Claus brought me! He bought me a pony but he got away."

Seriously now, I wish to repeat that we must not get panicky nor hysterical. We must act sanely and prudently and wisely. We are now working for 800,000 citizens of the state of Maine and although it is not in accordance with the fundamental principles of democracy, we have already granted unlimited and unrestricted powers to our good and able Governor. Must we now resort to Hitlerism to save our democracy? Being an optimist, I don't think so. If a democracy won't function in an emergency then how in the name of common sense can we justify a democracy in peace times?

We have heard facts and figures and they should speak for themselves. I was at the hearing and it was there stated that it was not an emergency although the preamble stated that it was. There was one opponent to it and there was one proponent for it; one seeking more power, the other seeking to protect the interests of the state of Maine. Are we going to succumb to every whim and notion of a very enthusiastic department head or are we going to decide this thing sanely and carefully?

I have no personal feeling against the State Police Chief. As a man I like him very much. That is not the question. I feel that this is an

administration measure. It has been so talked about the corridors and that we ought to go along with it. But let us not lose sight of the fact that the auto title law was also an administration measure, and you well remember what happened to that. Let us not make the same error again so soon.

Now, to further illustrate my meaning, I would like briefly to inject here an explanation to a cartoon I once saw. It showed a man holding in his arms a lowly garden skunk and it said under that picture, "There may be some excuse to mistake a skunk for a kitty once but there is absolutely no excuse for it to happen a second time."

One of the leading newspapers of the state has many times in the last several days scored this legislature for not having progressed more rapidly and has scored us for practically everything else that we have or have not done. I say we must not get excited. Please do not misunderstand me. I have always had the greatest respect and admiration for that newspaper. I am a constant and daily reader of it. I only speak in the interests of good government.

I dare say that had we rushed in here at this special session and rubber-stamped everything that had been requested they would have scored us just as much if not more. So I feel that we should let them do as they wish. This is all the more reason why we should be sane and deliberate. If ever in the history of the state of Maine or this nation or in the history of the world, we need to exercise our best judgment, it is now. I repeat again that we must not get panicky. We must not get hysterical. We must act sanely and prudently and wisely.

I hope, Mr. President, that the motion of the Senator from Aroostook, Senator Burgess, will not prevail. I thank you.

Mr. HILDRETH: Mr. President, I just wish to state that if the motion is not carried I will make a motion to recede and concur. I could take precedence with that motion but the debate has been on the motion to insist and I think it would be better if it is handled the way it is. But if that motion is not carried I will make a motion to recede and concur.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Aroostook, Senator Burgess, that the Senate insist on its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence. The yeas and nays have been requested. An affirmative vote of one-fifth of the Senators present is necessary for the yeas and nays to be ordered. Is the Senate ready for the question on the yeas and nays vote?

A division of the Senate was had.

A sufficient number obviously having risen, the yeas and nays were ordered.

The Secretary called the roll:

YEA: Senators Batchelder, Bishop, Boothby, Boucher, Bridges, Brown, Burgess, Clement, Dorr, Dow of Franklin, Elliot, Harkins, Haskell, Hodgkins, Snow—15.

NAY: Senators Bate, Chase, Dow of Oxford, Emery, Farris, Findlen, Hanold, Harvey, Hildreth, Morse, Owen, Sanborn, Stiphen, Townsend—14.

ABSENT: Senators Chamberlain, Hinman, Libby—3.

Fifteen having voted in the affirmative and fourteen in the negative, the motion to insist prevailed.

Orders of the Day

Mr. BURGESS of Aroostook: Mr. President, not being familiar with parliamentary procedure I would like to ask whether or not it is necessary for me to ask for a committee of conference or does the Chair assume that that follows?

The PRESIDENT: The Chair will state to the Senator that that is unnecessary. Is there any further business to come before the Senate at this time?

On motion by Mr. Elliot of Knox Recessed until this afternoon at four o'clock.

After Recess

The Senate was called to order by the President.

From the House:

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)

(In the Senate earlier in today's session that body voted to insist on its former action whereby the bill

was passed to be engrossed as amended by Senate Amendment "A".)

Now comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence, and now asking for a Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Representatives Payson of Portland, Williams of Clifton and McGlauffin of Portland.

On motion by Mr. Burgess of Aroostook, the Senate voted to join with the House in the Committee of Conference on the disagreeing action of the two bodies and the President appointed as members of such committee on the part of the Senate, the Senator from York, Senator Batchelder; the Senator from Aroostook, Senator Burgess; and the Senator from Sagadahoc, Senator Bishop.

Joint Order (Out of Order)

On motion by Mr. Elliot of Knox, it was

ORDERED, the House concurring, that Joint Order, Senate Paper 616, Relating to Belmont Smith and Bonding Companies Released from Liability on Certain Bonds, be recalled from the files for the consideration of the Legislature.

On motion by Mr. Elliot of Knox Recessed until this afternoon at five o'clock.

After Recess

The Senate was called to order by the President.

From the House:

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 Ad-

ditional State Policemen and to Institutional Emergency Fund," (S. P. 587) (L. D. 1200) reported that the House recede and concur with the Senate in the adoption of Senate Amendment "A".

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted in concurrence.

Mr. ELLIOT of Knox: Mr. President, I would like to inquire whether the joint order relative to Belmont Smith and bonding companies, being Senate Paper 616, is now in the possession of the Senate?

The PRESIDENT: The Chair will state to the Senator that the joint order is now in the possession of the Senate.

Thereupon, on motion by Mr. Elliot of Knox, the Senate voted to reconsider its former action, under suspension of the rules, whereby the order received a passage; and on further motion by the same Senator, the order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. ELLIOT of Knox: Mr. President, before making a motion to adjourn until nine-thirty o'clock tomorrow morning I think possibly a little explanation might be necessary. Our understanding is that it would be impossible to clear up the work we now have before us until probably one o'clock tomorrow morning and that is provided everything goes along as smoothly as we hope it will. Now if things do not go along as smoothly as we expect them to it may mean an all-night session.

I move, Mr. President, that the Senate adjourn until tomorrow morning at nine-thirty. In all probability the Senate could finish its business by twelve o'clock noon.

Thereupon, the Senate voted to adjourn until tomorrow morning at nine-thirty.