

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Second Legislature*

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Thursday, March 22, 1945.

The Senate was called to order by the President.

Prayer by the Rev. Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

From the House:

Bill "An Act to Provide a Town Councillor Form of Government for the Town of Limestone in the County of Aroostook." (H. P. 1349)

Which was received by unanimous consent and referred to the committee on Legal Affairs in concurrence.

From the House:

Senate Report from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State Aid for Agricultural Societies," (S. P. 301) (L. D. 848) reported that the same ought not to pass.

(In the Senate on March 20th, report read and adopted.)

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate, on motion by Mr. Savage of Somerset, that Body voted to adhere to its former action.

**House Committee Reports**

The Committee on Education on Bill "An Act Relating to Voluntary School Unions," (H. P. 1269) (L. D. 912) reported that the same ought not to pass.

The Committee on Agriculture on Bill "An Act Relating to Oleomargarine," (H. P. 1169) (L. D. 701) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Test for Butter-fat in Milk," (H. P. 1170) (L. D. 734) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Nellie D. Pennell of New York City," (H. P. 1175) (L. D. 737) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Donald S. White, of Ludlow," (H. P. 489) (L. D. 199) re-

ported that the same ought not to pass.

The same Committee on "Resolve in Favor of Clement P. Seavey, of Scarborough," (H. P. 412) (L. D. 185) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Francis M. Malcolm, of Windsorville," (H. P. 926) (L. D. 564) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Losses on Deposits of Inmates of State Institutions," (H. P. 490) (L. D. 241) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of T. E. McSherry, of Fryeburg," (H. P. 203) (L. D. 94) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Payment of Alimony," (H. P. 1074) (L. D. 666) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Interlocutory Petitions Pending Divorce Libel or Petitions Amending Divorce Decrees," (H. P. 1138) (L. D. 682) reported that the same ought not to pass, as covered by other legislation.

The same Committee on Bill "An Act Relating to Payments to County Law Libraries," (H. P. 956) (L. D. 578) reported that the same ought not to pass as covered by other legislation.

The same Committee on Bill "An Act Relating to Androscoggin County Law Library," (H. P. 1193) (L. D. 752) reported that the same ought not to pass as covered by other legislation.

The Committee on Legal Affairs on Bill "An Act Relating to Powers of Board of Commissioners of Police for the City of Augusta," (H. P. 652) (L. D. 300) reported that leave be granted to withdraw the same.

The Committee on State Lands and Forest Preservation on Bill "An Act Relating to White Pine Blister Control," (H. P. 1295) (L. D. 941) reported that the same ought not to pass.

The same Committee on "Resolve to Authorize Forest Commissioner to Convey Certain Land to Francis Boynton, of East Millinocket," (H. P. 741) (L. D. 409) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Control of White Pine Blister Rust," (H. P. 856) (L. D. 509) reported that the same ought not to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to George E. Burns, of Argyle," (H. P. 444) (L. D. 196) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Piscataquis County to Cecil Clark of Hallowell," (H. P. 684) (L. D. 276) reported that leave be granted to withdraw the same.

The Committee on Ways and Bridges on "Resolve Relating to Designation of Portion of Route 11 in Aroostook County as a State Highway," (H. P. 876) (L. D. 460) reported that leave be granted to withdraw the same.

Which reports were severally read and adopted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State Normal Schools Reserve Accounts," (H. P. 717) (L. D. 394) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the University of Maine," (H. P. 409) (L. D. 183) reported that the same ought to pass.

The same Committee on "Resolve Appropriating Money for Forest Insect Detection Service," (H. P. 718) (L. D. 388) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Hearings in Vacation," (H. P. 645) (L. D. 296) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Trustee Process," (H. P. 1186) (L. D. 747) reported that the same 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 Lands in Oxford County to Fred L. Edwards, of Bethel," (H. P. 1008) (L. D. 556) reported that the same ought to pass.

(On motion by Mr. Sterling of Somerset the report and accom-

panying papers were laid upon the table pending consideration of the report.)

Which reports were severally read and adopted in concurrence, the bills and resolves read once and tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Eliminate the 1937 Deficiency Account," (H. P. 406) (L. D. 182) reported that the same ought to pass as amended by Committee Amendment "A".

The same committee on "Resolve Authorizing Commissioner of Agriculture to Employ Poultry Expert," (H. P. 1047) (L. D. 655) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act Relating to Financial Responsibility Following Accident," (H. P. 1070) (L. D. 689) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to the Standard Non-Forfeiture Law and the Standard Valuation Law," (H. P. 972) (L. D. 609) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which reports were severally read and adopted, in concurrence, and the bills and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills and resolve as amended were tomorrow assigned for second reading.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as to Employer Coverage," (H. P. 1240) (L. D. 865) reported the same in a new draft (H. P. 1339) (L. D. 990) under the same title, and that it ought to pass.

(On motion by Miss Clough of Penobscot the report and accompanying papers were laid upon the table pending consideration of the report.)

The Committee on Military Affairs on Bill "An Act Relating to Aides-de-Camp," (H. P. 973) (L. D. 587) reported the same in a new draft (H. P. 1340) (L. D. 991) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the Patten Water District," (H. P. 845) (L. D. 446) reported the same in a new draft (H. P. 1342) (L. D. 992) under the same title, and that it ought to pass.

Which reports were severally read and adopted in concurrence, the bills in new draft read once and tomorrow assigned for second reading.

The Committee on State Lands and Forest Preservation on Bill "An Act Relating to Bounty on Porcupines," (H. P. 459) (L. D. 217) reported the same in a new draft (H. P. 1342) (L. D. 993) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

(On motion by Mr. Good of Aroostook, the report and accompanying papers were laid upon the table pending consideration of the report.)

#### First Reading of Printed Bills

Bill "An Act Relating to School Age and Kindergartens" (S. P. 388) (L. D. 996)

Bill "An Act Amending An Act to Authorize the Incorporation of Credit Unions." (S. P. 389) (L. D. 992)

Bill "An Act Amending 'Act to Create the Port of Portland Authority' and to Change the Name to Maine Port Authority" (S. P. 390) (L. D. 997)

Which bills were severally read once, and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Dorr from the Committee on Claims on "Resolve in Favor of the Town of Charleston," (S. P. 62) (L. D. 42) reported that the same ought not to pass.

Mr. Hall from the Committee on Salaries and Fees on Bill "An Act to Increase Salary of Sheriff of Kennebec County," (S. P. 263) (L. D. 624) reported that the same ought not to pass.

(On motion by Mr. Owen of Kennebec, the report and accompanying papers were laid upon the table pending consideration of the report.)

The same Senator from the same Committee on Bill "An Act Relating to Increase of Fees Allowed Jurors." (S. P. 264) (L. D. 623) reported that the same ought not to pass as it is covered by other legislation.

Which reports were severally read and adopted.

Sent down for concurrence.

Mr. Dorr from the Committee on Claims on "Resolve in Favor of J. R. Collins of South Portland, Maine." (S. P. 132) (L. D. 337) reported that the same ought to pass.

Mr. Leavitt from the Committee on Education on Bill "An Act Providing Authority to the Board of Trustees of the Maine Maritime Academy to Confer the Degree of Bachelor of Science," (S. P. 134) (L. D. 339) reported that the same ought to pass.

Mr. Howes from the Committee on Indian Affairs on "Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians," (S. P. 135) (L. D. 340) reported that the same ought to pass.

Mr. Sayward from the Committee on Inland Fisheries and Game on "Resolve Relating to Fishing in Goose Pond in Hancock County," (S. P. 313) (L. D. 837) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relative to Open Season on Woodcock," (S. P. 136) (L. D. 341) reported that the same ought to pass.

Mr. Cleaves from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Treasurer of Kennebec County," (S. P. 95) (L. D. 137) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Increasing the Salary of the Judge of the Rockland Municipal Court," (S. P. 167) (L. D. 370) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Salary of Recorder of Rockland Municipal Court," (S. P. 218) (L. D. 466) reported that the same ought to pass.

Mr. Smith from the same Committee on Bill "An Act Relating to the Salary of the County Attorney

of Knox," (S. P. 156) (L. D. 360) reported that the same ought to pass.

Mr. Hall from the same Committee on Bill "An Act Relating to Salary of the Judge of the Lewiston Municipal Court," (S. P. 163) (L. D. 366) reported that the same ought to pass.

Mr. Smith from the same Committee on Bill "An Act to Increase the Salaries of the County Commissioners of Knox County," (S. P. 349) (L. D. 900) reported that the same ought to pass.

Mr. Townsend from the Committee on Temperance on Bill "An Act Relating to Licenses for Consumption Sale of Liquor," (S. P. 297) (L. D. 714) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Transfer of Liquor Licenses," (S. P. 296) (L. D. 715) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Liquor Licenses to Hotels, Restaurants and Clubs," (S. P. 295) (L. D. 716) reported that the same ought to pass.

Which reports were severally read and adopted, and the bills and resolves read once and tomorrow assigned for second reading.

Mr. Denny from the Committee on Agriculture on Bill "An Act Relating to Penalty for Obstructing Commissioner of Agriculture in Performance of Duty," (S. P. 185) (L. D. 495) reported the same in a new draft, (S. P. 392) under the same title, and that it ought to pass.

Mr. Bishop from the same Committee on Bill "An Act Governing the Production of Milk and Cream," (S. P. 355) (L. D. 908) reported the same in a new draft (S. P. 393) under the same title, and that it ought to pass.

Mr. Leavitt from the Committee on Legal Affairs on Bill "An Act Authorizing Municipalities to Establish, Maintain, Conduct and Finance Recreational Facilities," (S. P. 51) (L. D. 14) reported the same in a new draft (S. P. 394) under the same title, and that it ought to pass.

Which reports were severally read and adopted, and the bills in new draft laid upon the table for printing under the joint rules.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Sunday Vaudeville and

Concerts," (S. P. 250) (L. D. 634) reported that the same ought not to pass.

(Signed)

Senators:

BATCHELDER of York  
LEAVITT of Cumberland  
GOULD of Androscoggin

Representatives:

PAYSON of Portland  
RANKIN of Bridgton  
WELCH of Mars Hill  
WEEKS of Waterville  
WARREN of Westbrook  
SNOW of Auburn

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

Representative:

DONAHUE of Biddeford

Mr. BATCHELDER of York: Mr. President, I move the acceptance of the Majority report "Ought Not to Pass."

Mr. BOUCHER of Androscoggin: Mr. President, noting the absence of Senator Currier who introduced this bill, I would move that both reports be laid upon the table.

Thereupon, the reports and accompanying papers were laid upon the table pending the motion of the Senator from York, Senator Batchelder, that the majority report of the Committee be accepted.

#### Passed to be Engrossed

Bill "An Act to Incorporate the Clinton Water Works." (H. P. 671) (L. D. 321)

Bill "An Act Relating to Returns by Highway Commission to Municipal Officers." (H. P. 864) (L. D. 517)

Bill "An Act Relating to Assessments in Deorganized Towns in re Highways." (H. P. 865) (L. D. 518)

Bill "An Act Permitting Assessment of Taxes in Towns for Highway Purposes." (H. P. 866) (L. D. 519)

Bill "An Act Providing for Installation of Certain Culverts on Highways." (H. P. 868) (L. D. 511)

Bill "An Act Relating to Roads in Indian Township." (H. P. 869) (L. D. 520)

Bill "An Act Relating to Using Bond Issue Funds to Watch Federal Funds for Highway and Bridge Projects." (H. P. 870) (L. D. 512)

Bill "An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc." (H. P. 872) (L. D. 514)

(On motion of Mr. Brown of Aroostook, the bill was laid upon the table pending passage to be engrossed.)

Bill "An Act Relating to the Prevention of Forest Fires." (H. P. 1006) (L. D. 552)

"Resolve in favor of the National Guard Association." (H. P. 1087) (L. D. 777)

Bill "An Act to Extend the Charter of the Patten Water and Power Company." (H. P. 1217) (L. D. 767)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Piscataquis County to Bertha M. Blanchard, of Greenville." (H. P. 1294) (L. D. 940)

"Resolve Relating to Dipping of Alewives in Machias River." (H. P. 1336) (L. D. 987)

Bill "An Act Authorizing the Conveyance of 'Greenleaf Cemetery Lot' to the 'Milton Plantation Cemetery Association'." (H. P. 21) (L. D. 10)

Bill "An Act Relating to Acquiring of Wharf by City of Rockland." (H. P. 1080) (L. D. 773)

Bill "An Act Imposing a Tax on Sweet Corn for the Suppression of the European Corn Borer." (H. P. 1135) (L. D. 693)

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

Bill "An Act Relating to Transfer of Inmates from the Reformatory for Men to the State Prison and the State School for Boys." (S. P. 139) (L. D. 344)

Bill "An Act Relating to Diverting Water by Canals for Mills." (S. P. 397) (L. D. 988)

Bill "An Act Relating to the Registration of Nurses." (S. P. 80) (L. D. 74)

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

Sent down for concurrence.

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Harland E. Kimball, of West Bethel." (H. P. 742) (L. D. 410)

Which resolve was read a second time and passed to be engrossed in concurrence.

**Passed to be Enacted**

Bill "An Act Relating to the Re-issuance of Revoked Hunting Licenses." (S. P. 58) (L. D. 23)

Bill "An Act Relating to Cigarette Tax Licenses." (S. P. 153) (L. D. 371)

Bill "An Act Relating to Taxation of Property of United States." (S. P. 22) (L. D. 462)

Bill "An Act Relating to Powers of the Police Department of the City of Lewiston." (S. P. 252) (L. D. 632)

Bill "An Act Relating to Operating Motor Vehicles at Grade Crossings." (S. P. 329) (L. D. 822)

Bill "An Act Relating to Town Reports." (S. P. 375) (L. D. 969)

(On motion by Mr. Bishop of Sagadahoc, the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to the Assignment of Accounts Receivable." (S. P. 378) (L. D. 970)

"Resolve, Designating the White Pine Tree as the State Official Tree." (S. P. 181) (L. D. 381)

"Resolve, Relating to Ice Fishing in Kezar Lake." (S. P. 312) (L. D. 839)

Bill "An Act to Regulate Trust Investments." (H. P. 183) (L. D. 63)

Bill "An Act Relating to the Regulation of Loans in Trust Companies." (H. P. 201) (L. D. 89)

Bill "An Act Relating to Cash Reserve in Trust and Banking Companies." (H. P. 202) (L. D. 88)

Bill "An Act to Incorporate City of Old Town Municipal Building District." (H. P. 334) (L. D. 148)

Bill "An Act to Incorporate City of Old Town High School District." (H. P. 335) (L. D. 149)

Bill "An Act to Grant a New Charter to the City of Old Town." (H. P. 336) (L. D. 158)

Bill "An Act Relating to Education of Blind Children." (H. P. 358) (L. D. 123)

Bill "An Act Relating to Payment of Certain Obligations of the Recipients of Old Age Assistance and Aid to the Blind under Certain Conditions." (H. P. 389) (L. D. 124)

(On motion by Mr. Owen of Kennebec, the bill was laid upon the table, pending passage to be enacted.)

Bill "An Act Relating to State Trust Funds." (H. P. 407) (L. D. 162)

Bill "An Act Relating to Rights of Surviving Husbands and Wives." (H. P. 425) (L. D. 167)

Bill "An Act Concerning Liens of Factors upon Merchandise or the Proceeds Thereof." (H. P. 523) (L. D. 208)

Bill "An Act to Provide a Town Manager Form of Government for the Town of Brownville, in the County of Piscataquis." (H. P. 658) (L. D. 319)

Bill "An Act to Amend the Portland City Charter." (H. P. 828) (L. D. 443)

Bill "An Act Relating to State Police Retirement System." (H. P. 947) (L. D. 575)

Bill "An Act Permitting Employees of Water Districts and Other Quasi-Municipal Corporations to Become Members of the State Employees' Retirement System." (H. P. 1140) (L. D. 683)

Bill "An Act Relating to Special License for Motor Service Stations." (H. P. 1209) (L. D. 710)

Bill "An Act Relating to the Solemnizing of Marriages." (H. P. 1320) (L. D. 966)

Bill "An Act to Provide for the Payment of Expenses Incurred by the Maine State Office Building Authority and the Building Commission." (H. P. 1325) (L. D. 973)

Bill "An Act Relating to the Packing of Sardines." (H. P. 1326) (L. D. 974)

Bill "An Act Amending the Charter of the City of Waterville." (H. P. 1329) (L. D. 976)

Bill "An Act Relating to the Presque Isle Municipal Court." (H. P. 1330) (L. D. 978)

Bill "An Act Relating to the Caribou Municipal Court." (H. P. 1331) (L. D. 979)

Resolve, Relating to Fishing in Mosquito Brook in Aroostook County. (H. P. 691) (L. D. 309)

### Orders of the Day

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table, bill, An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers (H. P. 1268) (L. D. 901) tabled by that Senator on March 21st pending adoption of Senate Amendment "A"; and on further motion by the same Senator, Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table, Bill, An Act Relating to Reenactment of Law Dealing with Unexpended Appropriations (S. P. 190) (L. D. 491) tabled by that Senator on March 21st pending passage to be engrossed; and that Senator offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to S. P. 190, L. D. 491, Bill, An Act Relating to Reenactment of Law Dealing with Unexpended Appropriations

"Amend said bill by inserting in the 8th line thereof, after the underlined word 'of', the underlined words: ', the department head concerned and'.

"Further amend said bill by inserting in the 9th line thereof, after the underlined word 'council', the underlined words, ', at any time prior to the closing of the books'.

"Further amend said Bill by adding at the end thereof the following sentence: 'The provisions of this section shall apply to appropriations for the fiscal year ending June 30, 1945.'"

Thereupon, Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act Amending an Act to Authorize the Incorporation of Credit Unions (S. P. 389) (L. D. 992) was assigned for second reading.

Mr. BOUCHER: Mr. President, whereas I introduced this bill at the request of the Maine Credit Union and whereas the bill has been amended by the committee, I would move it be tabled pending second reading so I can show copies of the amendment to the union.

The motion prevailed and the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Howes of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby the Senate voted to adhere to its former action in accepting the "Ought Not to Pass" report of the Committee on Appropriations and Financial Affairs on bill, An Act Relating to State Aid for Agricultural Societies



(S. P. 301) (L. D. 848); and on further motion by the same Senator, the bill was laid upon the table pending consideration of the report of the committee.

**Order**

(Out of Order)

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

ORDERED, that 500 copies of bill, "An Act to Increase State aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers," (H. P. 1268) (L. D. 901) be printed.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, bill, An Act Amending the Unemployment Compensation Law as to Employer Coverage (H. P. 1241) (L. D. 866) tabled by that Senator on March 21st pending passage to be engrossed in concurrence; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary "Ought Not to Pass" on bill, An Act Relating to Employees in Military or Naval or Merchant Marine Service (H. P. 810) (L. D. 503) tabled by that Senator on March 7th pending acceptance of the report in concurrence.

Mr. LEAVITT of Cumberland: Mr. President, I now move, in non-concurrence with the House, that we substitute the bill for the report.

This is a very insignificant bill. It has three words added to a bill which is already enacted. It adds to the people who shall have the right of reemployment in the State of Maine, along with men in military service, those who are members of the United States Merchant Marine.

I realize that with a unanimous report from the Judiciary Committee and with the action which the House has already taken, that this bill should be considered dead, but I hope this bill is not as dead as the thousands of merchant marine seamen who are now resting in

their graves at the bottom of the ocean, men who have died in the flames of tankers, men who have died on Murmansk, and who have been preys of the wolfpacks of the Atlantic Ocean.

The reason I understand the Committee on Judiciary did not see fit to pass this bill—the first reason was this legislation was inopportune because the federal government had not yet passed legislation of a similar nature. I realize the Committee on Judiciary is busy and they have a great many bills before them and they must have overlooked H. R. 131, An Act to Provide Reemployment Rights for Persons who Leave their Positions to Serve in the Merchant Marine, and for other purposes. In that bill passed by Congress, dated June 23, 1943 there are these three provisions: First: "If such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay." The next section, "If such position was in the employ of a private employer" such employee is also entitled to reemployment. The third provision is the one we are now interested in, "If such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person shall be restored to such position or to a position of like seniority, status and pay."

Congress naturally will not dictate to the states and tell the states they must employ them, but it is the sense of this bill passed by Congress that the states should grant these reemployment rights to men of the merchant marine.

This bill, L. D. 503 simply puts the State of Maine in line with this piece of legislation which I understand the Committee on Judiciary did not know was in existence. I may be mistaken regarding that.

The second objection, as I understand it in talking with members of the Committee, if these men want status to be reemployed there is simply one thing they can do, they can join the armed forces of the United States — join the Navy or Army. In other words, this report of our Judiciary Committee denies the importance of the United

States Merchant Marine, which is the fourth branch of our national defense.

Admiral Land in a recent speech stated that the Merchant Marine was the one industry in this country that absolutely mobilized itself and put itself at the disposal of the armed forces. We grant that industry and railroads and other forces of productive energy of the country also mobilized, but where railroads were making three and four hundred per cent more than they were before the war, and where private industry was making two to three hundred per cent at the end of 1943, the Merchant Marine was making one-third as much as they were in 1939 and doing three times as much work.

This industry has mobilized itself one hundred per cent. It is said, perhaps, these men that go into the Merchant Marine go in there because they might be safer. Gentlemen, I have talked with thousands of men who have been in the Merchant Marine. My business is Merchant Marine. They are coming to my office at the rate of three or four or five a day and I am talking with them all the time. These men are not in the Merchant Marine because it is safer but because they know the Merchant Marine needs them. People say they have the choice of where they want to go, and they do. Most of the men are trying to get runs that go to Murmansk or they try to get runs that go across to Europe. They are not asking to get runs to South America where they will be safer, and they are not asking to stay along the coast. They are there because they realize the only way this war can be won and the only way it is won is by the contribution of the United States Merchant Marine.

Gentlemen, when we deny any one person the right of reemployment because of the fact he was so inconsiderate as to join the Merchant Marine, we are doing an injustice to that wonderful group of men.

I hope the Senate will go along with me and substitute this bill for the report.

Mr. DOW of Oxford: Mr. President and members of the Senate, as Chairman of the Judiciary Committee which reported this bill out "Ought Not to Pass" I think a few

remarks might be in order as to why we reported the bill that way. I want to say at the outset that it was not my intention, nor the intention of any member of that committee, to belittle the work of the Merchant Marine in this war. I think we all understand what a fine job they have done. I think we all understand that they have been practically indispensable. I do not believe we want to make any argument on this similar to Mr. Churchill's at the time he talked about "blood, toil, sweat and tears". Let us discuss this more or less from another view point.

At the hearing there were two proponents, Representative Carpenter, who introduced the bill, and Mr. Gordon of the Communist Party. I just mention this to show you the number of people present at the hearing, for another purpose later on. And against the bill there was one opponent, Representative Bell of Thomaston, I think. So I think possibly the report of the Committee might have been their own considered judgment rather than the persuasive arguments of those who appeared before the committee, due to lack of numbers.

Now as I said before, the Merchant Marine has done a wonderful job and they want to include them in this bill under consideration. Well, the ship-yard workers have done quite a job, too. The boys on the railroads have done quite a job. To be personal for just a minute, some of us fathers have given about all we have. We have done quite a job. There is no provision in this bill for us. We have bought many bonds. There are mothers who have sent their sons and they have gone all out. Then if you include the Merchant Marine in this bill let us do better than that; let us promise a job for everyone who contributes to this war effort. It seems to me that would be perfectly fair and eminently proper. That is my thought on the matter. Let us not single out a few people, but let us include them all in this bill.

Our present law says that if any of these people in the armed services come back they shall get their jobs back. I am aware of the fact that Congress has passed this law which says that federal employees shall get their jobs back and they hope that state employees who have served in the Merchant Marine will.

I didn't know about that until Senator Leavitt spoke about it. I want to be fair there. However, had I known it at the time the bill was discussed I don't think it would have affected my vote either way. In fact, I feel the same way now.

The fact that the federal government passed this law doesn't mean much to me because Congress has passed quite a few laws in the last few years that I wouldn't recommend to the state of Maine. I don't know how you feel about it but that is the way I feel. The question is, how far are we going to go? You probably know that members of the Merchant Marine do not have the exemption under the income tax law that members of the armed services have, and it looks to me as though in the broad sense if we are going to include these other people, whom we admit have done wonderful jobs, we ought to be consistent and go the whole way.

I understand that in the letter Senator Leavitt quoted from, Congress declared it was the understanding or the hope of Congress that the states would do the same. I say again, that doesn't mean much to me. Now, I don't want to be misunderstood on this matter. I do appreciate the work done by that group but I do not see any reason why they should be included in this bill unless you go the whole way and include all the others. I think that explains my position and possibly the position of the Committee on Judiciary. I hope that the motion of the Senator from Cumberland, Senator Leavitt, does not prevail.

Mr. LEAVITT: Mr. President, I would like to answer one argument of my friend, the Senator from Oxford, Senator Dow. The railroad employees and shipyard workers as yet have been spared the rigors of bombing and shell fire. The Merchant Marine, because of the fact they are taking the army and air forces to their destinations, have not been spared the bombing and shell fire.

I have a friend who was in the Merchant Marine three years. His ship laid off the beach at Anzio during the time the ship was bombed 39 times. When he returned to the United States he found people who apparently had

the same feeling as the members of the Judiciary Committee, and didn't feel he was in the armed forces. This being bombed 39 times does not constitute being in the armed forces and doing anything to help the war, so he joined the Navy. While he was on board that ship there were three of the engineering force who stood watch four hours apiece. There were three oilers and there were three wipers and three men stood watch in that engine room. But in order to be a hero and get where he could wear a star and have people stand up and say, "Here comes the Navy" or "Here comes the Army"—in this particular case, it was the Navy—he joined the Navy and went on a ship exactly the same size as the Merchant Marine ship he was on before; and there were twelve officers, four in the hold at one time, four or five oilers and six or seven wipers, men of different ratings, electricians and all that. Even with the less pay that was being paid the Navy, it cost at least five times as much to run that ship under the Navy. Since he has been in the Navy, and he has been there over a year, he hasn't seen one-fifth of the action he saw while lying off the beach of Anzio in a Merchant Marine ship. At the time of the Normandy invasion they took the Merchant Marine and had them in with the earliest arrivals, laying off there and taking the bombing and shelling.

A boy came home the other day and he told me he lay there sixty days, off the Normandy beach, supplying the beachhead. The ship in front was blown entirely out of the water and every man was killed and the ship after his had over half the crew killed.

I say if you want to compare the men who get behind rivet guns in the shipyard with the men who are out there in life-rafts days and days, and sometimes never rescued, the boys who have gone down in burning oil, I think we are somewhere missing the humane point, and we are being pretty trivial when we say we will not give those boys the same right of employment we give the armed forces on the ground that we would also have to give fathers and railroad men and the other people the same status. If I am wrong, I am sorry.

When the vote is taken, Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the bill be substituted for the report. A division of the Senate has been asked.

A division of the Senate was had.

Five having voted in the affirmative and twenty-four opposed, the motion to substitute did not prevail.

Thereupon, on motion by Mr. Dow of Oxford, the report of the committee, "Ought Not to Pass" was adopted in concurrence.

On motion by Mr. Bishop of Sagadahoc the Senate voted to take

from the table, bill, An Act Relating to Town Reports (S. P. 375) (L. D. 969) tabled earlier in today's session by that Senator, pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Washburn of Washington,

Adjourned until tomorrow morning at ten o'clock.