

# MAINE STATE LEGISLATURE

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THE REPORT OF  
**The Legislative Research Committee**  
ON  
**Proposed Legislation**  
FOR THE  
**Special Session**  
OF THE  
**Ninetieth Legislature**  
JANUARY 12TH, 1942

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S. P. 577

**THE REPORT OF THE LEGISLATIVE RESEARCH COMMITTEE  
ON PROPOSED LEGISLATION FOR THE SPECIAL SESSION  
OF THE NINETIETH LEGISLATURE JANUARY 12TH, 1942**

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

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

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

From all these and from their own experiences among the people of their own communities the members of your Committee came to the full realization of the one overwhelming paramount need; preparation in civilian defense, and that preparation to be made without any knowledge or assurance that any time at all is granted us.

Civilian defense has made giant strides in our State under crushing handicaps. True, the work has been spotty — ardent interest and effort in one community, apathy and indifference in another, for the voluntary service involved. Some towns have studied religiously and followed carefully the uniform system and rules disseminated by the State organization leadership; others have devised or attempted to invent a divergent system of their own; volunteers have given their own time and even paid their own expenses to carry out this work of mutual self-protection and assistance, while others gave nothing of themselves, and even criticized or derided the efforts of those who sacrificed. So these volunteers in Civilian State Defense from Governor to the humblest volunteer have

struggled without authority for organization or control of its form, without power to enforce rules for the safety of the public and without funds to provide even the necessary equipment.

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

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

Your Committee found itself faced with a problem which has no precedent or parallel in our history. War in the historical way is fought between the armed forces; today's war is war upon the life and property of any and every man, woman and child in our country. Our State Constitution was constructed and adapted to the historical methods of peace and war; either peace with normal government or riots and insurrection with martial law to be enforced by the militia — but no such situation as confronts us now was even dreamed.

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

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

There may be other and better ways of coping with this emergency and if any member of this Legislature or any citizen of our State can suggest

such a solution no one would be happier than the Governor or the members of this Committee.

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

This bill and all others which have been examined by this Committee should follow the usual orderly processes of legislation, should be referred to proper joint standing committees and should there be given properly advertised public hearings. The rights of the people of Maine rather than the rights of the legislators are involved.

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

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

Respectfully submitted,

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