

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-ninth Legislature

OF THE

State of Maine

SPECIAL SESSION

1940

**KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE**

HOUSE

Friday, June 7, 1940.

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

Prayer by the Reverend Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

From the Senate:

An Act to Encourage Development of Maine's Resources. (S. P. 733) (L. D. 1239)

Comes from the Senate, passed to be engrossed.

In the House:

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

On motion by Mr. Noyes of Franklin, tabled pending passage.

Orders of the Day

The SPEAKER: If there is no business to come before the House under Orders of the Day, the House may be at ease pending arrival of additional papers from the Senate.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair at this time will invite the gentleman from Norway, Mr. Dow, to come to the rostrum and name him as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Norway, Mr. Dow, to the Speaker's desk, where he assumed the Chair, amid the applause of the House, Speaker Philbrick retiring.

Papers from the Senate, out of order and under suspension of the rules:

From the Senate:

Report of the Committee on Judiciary on Communication from His Excellency the Governor relative to "Aid to Dependent Children" (S. P. 746) (L. D. 1241) reporting that same be placed on file.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate:

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Correct a Technical Error in the Unfair Sales Act" (S. P. 745) (L. D. 1238)

Comes from the Senate, report read and accepted and the Bill passed to be engrossed.

In the House, report of the committee accepted in concurrence, and the Bill had its two several readings. Under suspension of the rules the Bill was given its third reading and passed to be engrossed in concurrence.

From the Senate:

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Fees of Wardens of the Department of Sea and Shore Fisheries" (S. P. 736) (L. D. 1232)

Comes from the Senate, report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

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

Senate Amendment "A" was read by the Clerk.

Mr. COWAN of Portland: Mr. Speaker, I think I am going to offer a further amendment to this Bill, but I would like, for a few minutes, to confer with a gentleman in the other body, who is interested, and I move that the Bill lie on the table until that time.

Thereupon, the motion prevailed and the Bill was tabled pending adoption of Senate Amendment "A" in concurrence.

On motion by Mr. Emery of Bucksport, out of order, Mr. Noyes of Franklin was excused from attendance during the sessions of the House for the remainder of the week because of the death of a relative.

Passed to be Enacted

(Out of Order)

An Act relating to a Maine State Library (S. P. 738) (L. D. 1234)

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

House at Ease

Paper from the Senate, out of order.

From the Senate:

Report A (Majority Report) of the Committee on Judiciary on Bill "An Act Amending the Unemployment Compensation Law relating to Employer Liability and Coverage" (S. P. 717) (L. D. 1222) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. HILL of Cumberland

—of the Senate.

VARNEY of Berwick
BIRD of Rockland
HINCKLEY of So. Portland
GRUA of Livermore Falls
McGLAUFLIN of Portland
BATCHELDER of Parsonsfield

—of the House.

Report B of same Committee on same Bill reporting same in a new draft (S. P. 739) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BURNS of Aroostook

—of the Senate.

WEATHERBEE of Lincoln

—of the House.

Comes from the Senate with Report A accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

In the House:

Mr. WEATHERBEE of Lincoln: Mr. Speaker, I am, as the most of you probably noticed, one of the signers of the Minority Report which urged the acceptance of Report B, rather than Report A. I would like to take a very few moments of the time of the members of this House in explanation of my position.

In the first place, it is always with hesitation and reluctance and some misgiving that I oppose the Majority Report of the Judiciary Committee, because I have found that when I have done so they have been right on the matter which has been reported. I am especially reluctant to do so today in view of the fact that this House has been working so hard and so patiently on other serious matters for the last few days, and in view of the fact, by the

indications reaching my ears from the sounds down in the corridor, that would indicate to me that the members of this Legislature are in a very great hurry to get home.

However, this is one time when I feel that I must oppose and firmly and vigorously oppose the acceptance of the Majority Report on this Bill.

Now the situation roughly, is this: We are operating our Unemployment Compensation Commission law under two sets of statutes, the Federal statutes and the State statutes as applying in the respects in which they are applicable. Now the Federal law has been changed in some respects very recently. As a result of the change in the Federal law, it is necessary to make one certain change in our own State law. There have been other changes in the Federal law which do not require changes in the State law. In other words, this Bill is not "must" legislation.

There is one section in this Bill and, if you will refer to L. D. No. 1222, Section 10, that is necessary as I understand it because the Federal Government insists that we make certain changes in the manner in which our warrants are made. I am entirely in favor of that one, but there are other changes made in this Unemployment Compensation law which are not necessary to change because of the Federal statute and which is the duty of this Legislature to consider and on which to make up its own mind.

The general change in this Unemployment Compensation law which would take effect under this proposed statute, the general change is a gradual whittling away of the effects of the law and a gradual and increasing exemption under certain classes, resulting in the exemption of many groups of workers from the operation of the law. Generally, I am not in favor of that. I have opposed this change in only two respects and I, with one other member, have prepared a draft, which is Draft B, which is rather the same as the proposed statute before us except that it varies in two respects. In those two respects I would like to present my reasons.

In the first place, the Majority Bill exempts casual labor. Under the law at the present time, casual labor comes under the Unemployment Compensation Act. The Federal Government has exempted casual labor, and this Bill before us

would exempt casual labor. I am opposed to exempting casual labor and that is the whole story. There are in this State thousands of men whose occupation is casual labor, such as painters, carpenters and some truck drivers, who work all the year long but by different employers at different times. If you think that those thousands should be exempted from the benefits of the Unemployment Compensation law, you should vote for Report A which is before us. I do not think they should be exempted and so in Report B I have stricken out the exemption of casual labor.

The second change is this: As the State law is at the present time people who are unemployed receive their benefits on the basis of wages which were payable to them during a certain period. Now the Federal law changed the basis to wages paid instead of wages payable. It is proposed to have the State law conform to the Federal law and change the basis of wages to wages paid rather than wages payable. This, as a minority member of the committee, I am opposed to and for these reasons: It affects probably a minority of the people in the State but it affects them very seriously. We have many people in Penobscot and Aroostook Counties who earn their living by working in the woods. As many of you know, a great many of these woods workers are not paid until the work is done in the spring. They may go to work in November and may not get their pay until March or April. If this proposed change goes through, those men would be paid upon the basis of wages; if they had to draw unemployment benefits, they would be paid on the basis of wages actually paid. A man might go to work in November and get paid in March, but in December or January he might be unemployed. If you change this law, he would not be eligible to draw benefits because he has not actually been paid over that period, the result being that this man would not get benefits at the time when he needed them. True, he might get them in the last quarter. He might receive checks in July, but the time he needs them is when he is out of work.

Now the whole purpose of this law is to provide some regular income for a man at a time when he is unemployed. These woods work-

ers out of work in the middle of the winter, not becoming eligible to receive compensation because they haven't actually been paid anything over the period, even though they have earned their pay, those men would not get compensation. They would be in need and would be forced to rely upon some other charity possibly or be thrown back upon the town. Then later on, in the next quarter, perhaps June or July, they might receive the checks. But that is not the time they need them. They need them when they are out of work and not when they have gone back to work and after they are receiving pay.

When this Bill was advertised and heard, there were no proponents appeared. The members of the Unemployment Compensation Commission appeared and gave us very courteous and helpful information, but they pointed out that they were not proponents of the Bill. This change in regard to casual labor and some wages payable to wages paid was passed by the Federal law and was protested, as I am informed, quite strongly. Some members of the Unemployment Compensation Commissions in the various states were opposed to the change.

After the law,—the Federal law—was passed, some of the states have continued to protest it and others have felt that they might as well go along with the Federal law. Two of our Commission, and I believe I am quoting them correctly, two members feel, although they opposed the change in the first place, that inasmuch as the Federal law has been changed, our law may as well be changed. The third member is still opposed to any such change.

The only benefits which could be derived from changing that basis of payment from wages payable to wages paid would be for the convenience to employers, some book-keeping convenience. I will admit that is probably true. It probably would be more convenient to report on the basis of wages already paid than it would to report on the basis of wages which were earned but not paid, but I think that slight advantage to the employers would be offset by the fact that large numbers of people, mostly woods workers and longshoremen would be entirely exempted from the benefits of this

act. I think, even though it might mean that employers would continue to be slightly inconvenienced, I believe we should take into consideration the needs of these workers.

The only other benefit would be derived from our Statute being in conformity with the Federal act because it is a little more simple perhaps. I submit to you that the Statutes for the State of Maine are passed here in Augusta and are not passed in Washington. We are still able to do our own thinking on our own domestic problems, and if the Federal government sees fit to change something, there is no reason why we should do so. We should do our own thinking on the matter and should make only such changes in the Act as are beneficial to us in the State of Maine.

While no one appeared for this Bill as proponents, there was very great opposition to the Bill and very great representation in opposition to the Bill on the part of the labor organizations of the State. I think, outside of that opposition from the labor organizations, we should consider the vast number of people affected by this Bill and the woods workers who do not belong to any organization.

I hope I have made this clear in attempting to explain it. Report A would bring this bill in conformity with the Federal law. Report B would bring it in conformity with the Federal law except that we would continue to pay benefits to casual labor. We would continue to pay on the basis of wages earned by these workers even though they might not have been paid at the time the employee is out of work. Report A is the Majority Report. Report B is the Minority Report. If you think we should exempt casual labor and pay on the basis of wages actually paid, then you should vote for Report A. If you think casual labor should still remain under the Act, with the thousands of people involved, and if you think we should pay on the basis of wages payable, as we do at the present time, then you should oppose the passage to be enacted of the bill under Report A.

I realize that it might be very convenient to follow the Federal statute, but I have seen not one slightest bit of support presented to the Committee or to this Legislature in favor of these two changes which I speak of. I have seen a

great deal of opposition. I know from my own experience that if we make these changes it will result in actual hardship to a great many people, especially in the north part of the State.

If a motion is in order, and I am not quite sure, Mr. Speaker, of the status of this Bill. May I inquire of the Chair?

The SPEAKER pro tem: The Chair understands the question before the House is the acceptance of either report.

Mr. WEATHERBEE: Then I move, Mr. Speaker, the acceptance of the Minority Report, Report B.

Mr. VARNEY of Berwick: Mr. Speaker, I feel I ought to make a few remarks in defense of the position of the Majority Report of the Committee on Judiciary.

First, by way of explanation, I think that there is but one difference between the views of the gentleman from Lincoln (Mr. Weatherbee) who has just spoken and the majority members of the committee. You have been told about there being two differences in the reports, and I may say that is true, but that one of the differences has been ironed out by a committee amendment offered by the majority members of the Judiciary, which strikes out the casual labor objection, as I understand it, so that while the reports about which we are now talking, Report A and Report B, differ in two particulars, may I say that if you should accept the Majority Report you will then have presented to you for your consideration and acceptance a committee amendment to that report which would strike out the casual labor objection. So that I can say, for the purpose of discussion, there is but one issue, and that one issue is whether our State act shall apply, that is, whether the definition of wages shall be "wages payable" or "wages paid."

Now, as I understand it, at the present time the State act defines wages as wages payable. The Federal act formerly defined wages as "wages payable." At the present time, the Federal act has been amended to define wages as wages paid, and Report A of the committee, the Majority Report of the committee, is that we change our State law to read "wages paid," and if we do that it will conform to the Federal law in that particular.

Now I do not want to be misunderstood, and, because the gentleman from Lincoln (Mr. Weatherbee)

said that our State law, if I understood him correctly, would still conform with the Federal law even though we adopt this report—and I must say that he is right about that, but of course it depends on what you mean by the word "conform." In other words, as I understood him, and I think that was the impression he wanted to give you, it was that this was not "must" legislation, in his opinion. But if we do accept his report, our Maine act may conform in the sense that the Federal government does not insist on us going along with them, but it will not conform in the sense that the definition of wages is the same under the Federal act as it is under the State act.

I think the majority of the members of the Judiciary Committee took into consideration that there were arguments on both sides of the question, that is on both sides of whether you should have the unemployment act apply to wages paid or wages payable. I think the controlling decision, or the thing which controlled the decision of the majority of the Committee on Judiciary, was that if we passed Report A we were absolutely sure that we were in conformity with the Federal Act, because we used there their terms, and we also took into consideration that this was a special session and that we had better go a little slow in passing legislation at this special session when there will be a regular session within a rather comparatively short period.

Now I do not propose to go into the arguments in favor of changing our law now under the terms of Report A to say "wages paid," any more than to say this: That, from the standpoint of the employer, if we should adopt the report of the gentleman from Lincoln, Mr. Weatherbee, there would be one definition of wages under the Federal act and another definition of wages under the State act, and to me that does not seem advisable to do at this time. I therefore hope that you will reject the minority report, and I will say while I am on my feet that if you do, you will then have presented to you certain other committee amendments, and I have another amendment which I understand is not objectionable even to the minority members, assuming that you do not go along with the

minority on this particular proposition.

Mr. ELLIS of Fairfield: Mr. Speaker, I admit that I am not very much acquainted with unemployment insurance bills, but we have in my own town quite a large number of part-time workers, and they inform me that they are very much opposed to having that part which affects them cut out, and, knowing their condition, I know that it would be a hardship for them, so that I am very much opposed to that.

If you should adopt the Majority Report, which does cut them out, and that can be amended so as to cut out that provision, that would be acceptable; otherwise I should be in favor of adopting the Minority Report.

Mr. GRUA of Livermore Falls: Mr. Speaker, I signed the Majority Report on this particular Bill, but I did it with some misgivings as to whether we ought to cut out the word "payable" which is in our law now. I have endeavored to get some information as to how many lumbermen or workers in the woods would be affected by that provision. So far as the ordinary worker in the ordinary industry is concerned, it seems to me it makes practically no difference. For instance, the mills in Livermore Falls, it makes a difference of possibly three days. For the industry itself, it makes this difference: In order to bring their records entirely up to date they have to go to the trouble and expense of making what would amount to an entirely new payroll on each quarter in order to take care of these three or four days' wages which may have been earned but which are not yet paid. It seemed to the committee and to me at that time that, unless there was some very good reason, that should be left "payable" instead of "paid," and the advantage to the industry would be sufficient to offset any possible loss to the workers for those few days, because if they don't get them on the quarter ending in December they will get them on the quarter ending in March, so the workers would get them eventually anyhow.

But there has come to my attention quite a lot of objection to changing it on this particular score. The gentleman from Lincoln (Mr. Weatherbee) mentions that there are a lot of workers in the woods

who might be affected by this situation. I want to go on record as being opposed to anything that is really going to injure the workers, and, while the benefit to the industry is going to be considerable, because I find some of them have to hire extra help to make up this statement on the quarter, yet I do not feel we should penalize those men who work in the woods and only get their wages for the whole season sometime the latter part of March or the first of April. I have tried to find out how many of those there are, so as to tell you how many will be affected, but I have not been able to do so. I have, however, had quite a number contact me personally, requesting that I oppose that particular part of this Bill. I am still undecided which is the wise thing to do, but the word "payable" is now in the Bill, and I believe it might be wiser to leave it in the Bill until another Legislature, when we would have more time to consider it.

As far as the casual worker part is concerned, the majority of the committee has already considered that, and they have decided to leave it in the Bill, so that is out of the picture. The only thing I see is just the word "paid" or "payable." That is the only difference between the two.

Mr. WEATHERBEE: Mr. Speaker, I rise to speak just once more. The gentleman from Livermore Falls, Mr. Grua, said he had not been able to find out just how many of these woods workers would be affected by this. I do not know just how many of them work for these long periods of time without being paid, although that is notoriously one of the unpleasant things about working in the woods, but I know it is estimated there will be about ten thousand men working in the woods this winter. We will say one of the quarters for which this unemployment benefit is figured runs from January to March. If I am working in the woods through this period from January to March, and I am unemployed and I seek to draw my benefits, I will get no benefits if I have not actually been paid. Now it is small help to realize that ultimately I will get my benefits in the next quarter, the last of July, because when I need my benefits is when I am actually unemployed, and as the law is now, if I am un-

employed during this time I get my benefits even though I haven't actually been paid. If you change this law, then I would not get any benefits during this quarter from January until March. I would not get any benefits and I would have to fall back on the town for help, because I wouldn't be paid during that period even though I had worked and earned money and had it coming to me.

I believe for the sake of these ten thousand men and for the sake of keeping them under the benefits of the act, it is unwise for us to make this change at this time. Possibly later, at the regular session, when there is more time to consider it, it might seem advisable to make this change, but I think we had better go slowly and leave our law as it is at the present time, and so I repeat that I believe this House should accept Report B.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is on the acceptance of the Minority Report, Report B, in a new draft, on motion of the gentleman from Lincoln, Mr. Weatherbee. All those in favor of the acceptance of the Minority Report, Report B, under that motion, will say aye; those opposed no.

A viva voce vote being doubted,

A division was had.

Fifty-one having voted in the affirmative and 26 in the negative, the motion prevailed and the Minority Report, Report B, was accepted in non-concurrence and sent up for concurrence.

Mr. VARNEY of Berwick: Mr. Speaker, I move that the House recess until two o'clock, Standard Time, three o'clock Daylight Saving Time.

Cries of No, No.

The SPEAKER pro tem: The Chair is informed that until that time there is no business to act upon. At that time it is expected that there will be.

The gentleman from Berwick, Mr. Varney, moves that the House recess until two o'clock Standard Time, three o'clock Daylight Saving Time. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

After Recess—2:40 P. M.

The House was called to order by the Speaker.

From the Senate: (Out of order)

The following Order:

ORDERED, the House concurring, that the State Controller be directed to pay the witness and travel fee for two days, to wit: \$4.24, to Gerald Guest of Augusta, a State witness in the Belmont Smith address proceedings on voucher approved by the Joint Committee on Judiciary, and charge the same to the appropriations for the legislative department. (S. P. 751)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Cowan of Portland, the House voted to take from the table Bill "An Act Relating to Fees of Wardens of the Department of Sea and Shore Fisheries (S. P. 736) (L. D. 1232) which was tabled earlier in today's session; and on further motion by the same gentleman Senate Amendment "A" was adopted in concurrence. Under suspension of the rules the Bill was given its third reading as amended and passed to be engrossed in concurrence.

The following Communication: (S. P. 753)

From the Senate:

To the President and Members of the Senate:

To the Speaker and Members of the House:

In view of the inquiries that have been made of me this morning relative to the action of the Legislature yesterday concerning the State Treasurer, may I say as follows:

While it was the expressed and matured decision of the members of the Council and myself that the Treasurer had failed to carry out the responsibilities of his office, and so reported in my message to you on May twenty-third, I have felt and now feel the responsibility of the final decision was that of the Legislature. You have rendered your decision after due deliberation and long hours spent in weighing the evidence as presented.

I, for one, accept your findings as the "considered opinion of the

Legislature" and commend you for the thorough manner in which you approached your assignment.

At no time has there been any effort made by the Executive Department to encroach upon the duties of the Legislative Department, as you must have observed.

I am confident that in each instance your vote is actuated solely and sincerely by what you believe to be for the best interests of all the citizens of the State of Maine. That is our mutual ideal.

Respectfully submitted,

(Signed) LEWIS O. BARROWS,
Governor.

Comes from the Senate, in that body read and ordered sent to the House.

In the House, the communication was read and ordered placed on file.

(Out of Order)

From the Senate:

ORDERED, the House concurring, that a Joint Select Committee consisting of three members on the part of the Senate with such as the House may join, be appointed to convey to His Excellency, the Governor, the congratulations and best wishes of the 89th Legislature on this anniversary of his birth; and be it further

ORDERED, that the committee be directed to present to His Excellency a floral memento of the occasion.

Comes from the Senate, in that body read and passed and sent down for concurrence, with the following members of the Senate appointed by the President on behalf of the Senate: The Senator from Cumberland, Senator Hill; the Senator from York, Senator Wentworth; the Senator from Kennebec, Senator Cony.

In the House, the Order received passage in concurrence.

At this point Speaker Philbrick resumed the Chair, the gentleman from Norway, Mr. Dow, retiring, amid the applause of the House.

The SPEAKER: The Chair will appoint to the committee called for by the Order which has just received passage the following: The gentleman from Berwick, Mr. Varney, the gentleman from Biddeford, Mr. Donahue, the member from Bangor, Miss Clough, the member

from South Portland, Mrs. Robinson, the member from Whitefield, Mrs. Grady, the member from Old Town, Mrs. Latno, and the gentleman from Gardiner, Mr. Slosberg. The committee will attend to its duties.

The **SPEAKER**: The Chair is informed that the papers which are being awaited from the printer will be available in about twenty minutes and therefore declares the House at ease until three-fifteen, standard time.

House at Ease

Called to order by the Speaker.

First Reading of a Printed Bill

An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage (S. P. 739) (L. D. 1245) New Draft (S. P. 717) (L. D. 1222)

The Bill was given its two several readings, under suspension of the rules.

Mr. Weatherbee of Lincoln, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 739, L. D. 1245, New Draft of S. P. 717, L. D. 1222, Bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage.

Amend said Bill by striking out in the second line of the third paragraph of Section 1 the words: "**has been paid**", and inserting in place thereof the words '**has become payable**'.

Further amend said paragraph by striking out in the third line thereof the words "**is paid**", and inserting in place thereof the words '**becomes payable**'.

Further amend said bill by striking out in the second paragraph of Section 3 thereof, the following words: "**Effective January 1, 1940 and thereafter,**" and by inserting in place thereof the words '**After the effective date of this act.**'

Mr. WEATHERBEE: Mr. Speaker, I would like to say just a word or two in explanation of the amendment. This is the matter that I spoke on at some length this morning. This Amendment "A" which I have just offered just makes a technical change in this draft which the House accepted. Really the only difference between this draft and the draft which was not accepted was that this draft makes the basis

of payment wages payable rather than wages paid. Upon study of this draft and upon consultation with Mr. Fessenden of the Unemployment Compensation Commission, it seemed likely that a further amendment should be in this further section, changing the other words from paid to payable so that the whole act would be in agreement. So that these two changes are technical changes to bring the rest of the act in agreement with the draft which the House passed this morning. I might say further that since I spoke to his House this morning, I have been in conference with the legislative representative of the Associated Industries of Maine and I was informed by him that the Associated Industries of Maine is in favor of this draft which this House passed this morning and felt the fair basis should be wages payable as this House voted this morning.

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

The motion prevailed and House Amendment "A" was adopted. Under suspension of the rules the Bill was given its third reading as amended and passed to be engrossed in non-concurrence, and sent to the Senate forthwith.

Passed to be Enacted

(Out of order and under suspension of the rules)

An Act to Correct a Technical Error in the Unfair Sales Act (S. P. 745) (L. D. 1238)

Finally Passed

Resolve providing for a Recess Committee to Study the Administration of State Affairs (H. P. 2259) (L. D. 1226)

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

Enactor

(Emergency Measure)

(Out of order)

An Act Permitting State to Accept Federal Funds for Promotion of Aviation (S. P. 714) (L. D. 1220)

The **SPEAKER**: This being an

emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this Bill to be enacted will rise and remain standing until counted and the Monitors will make and return the count.

A division of the House was had.

Mr. VARNEY of Berwick: Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks that when the vote is taken, it be taken by the yeas and nays. This requires the consent of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the Monitors will make and return the count.

A division was had.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the vote will be taken by the yeas and nays.

On motion by Mr. Varney, the Bill was tabled pending passage to be enacted.

Mr. Varney of Berwick, was granted unanimous consent to address the House.

Mr. VARNEY: Mr. Speaker, for the purpose of explanation I would like to say just a few words as to why I asked for the yeas and nays on this particular measure. The House, having started to vote, and having taken a vote by a division, and not two-thirds of the House having voted, less than one hundred and one votes having been cast, the only method I had for giving an opportunity or a little time to wait until there were some more members present was to ask before the vote was announced that the yeas and nays be taken. I think that is sufficient explanation of my reason for asking for the yeas and nays on this particular measure. It was not that I cared about voting by that method, but I did not want to see the measure fail of passage because there did not happen to be sufficient members in the House at the time the vote was taken by a division.

On motion by Mr. Emery of Bucksport, the House voted to take from the table Bill "An Act to En-

courage Development of Maine's Resources" (S. P. 733) (L. D. 1239) tabled this morning by the gentleman from Franklin, Mr. Noyes, pending passage to be enacted.

The SPEAKER: The question is on the passage of the Bill to be enacted. This is an emergency measure, and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this Bill to be enacted will rise and remain standing until counted and the Monitors will make and return the count.

A division of the House was had.

Mr. VARNEY of Berwick: Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks that when the vote is taken, it be taken by the yeas and nays. This requires the consent of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the Monitors will make and return the count.

A division was had.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the vote will be taken by the yeas and nays.

On motion by Mr. Varney, the Bill was tabled pending passage to be enacted.

House at Ease

On motion by Mr. Varney of Berwick, the House voted to take from the table Bill "An Act Permitting State to Accept Federal Funds for Promotion of Aviation (S. P. 714) (L. D. 1220) tabled by that gentleman earlier in this afternoon session.

The SPEAKER: The question before the House is on the passage of this Bill to be enacted. This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. A yeas and nays vote has been ordered. As many as are in favor of the passage of this Bill to be enacted will answer yes when their name is called; those opposed to the passage of the Bill will answer no. The Clerk will call the roll.

YEA—Arzonico, Ayotte, Bacon, Barter, Batchelder, Belanger, Bolduc, Bragdon, Brown, Caribou; Brown, Co-

rinna; Brown, Eagle Lake; Bubar; Burbank, Burgess, Limestone; Butler, Buzzell, Chandler, Churchill, Cleaves, Clough, Cook, Cowan, Cushing, Davis, DeBeck, Donahue, Dorsey, Douglass, Dow, Norway; Eddy, Ellis, Emery, Ers- well, Farwell, Fernald, Fowles, Good, Goss, Grua, Hall, Hawes, Hildreth, Hinckley, Hinman, Hodgkins, Holden, Holman, Hussey, Jordan, Keene, Lab- bee, LaFleur, Lambert, Latno, Lord, MacNichol, Maxim, McGillicuddy, Mc- Namara, Mercier, Meserve, Mills, Murchie, Norwood, Palmeter, Paul, Payson, Peakes, Pelletier, Plummer, Poulin, Rumford; Poulin, Waterville; Pratt, Preble, Race, Richardson, Rob- bins, Robie, Robinson, Bingham; Robinson, Peru; Robinson, S. Port- land; Shesong, Sleeper, Slosberg, Smith, Thomaston; Smith, West- brook; Snow, Dover-Foxcroft; Snow, Hermon; Stacy, Starrett, Stilphen, Sylvia, Tardif, Thompson, Townsend, Varney, Violette, Walker, Weed, Weatherbee, Welch, Whitney, Wil- liams, Winter, Young, Acton; Phil- brick.

ABSENT — Babin, Bates, Bird, Crockett, Dean, Dennison, Dorrance, Dow, Eliot; Dow, Kennebunkport; Downs, Dwinal, Everett, Fogg, Ford, Hanold, Haskell, Howes, Jewett, Lar-abee, Leveque, Luro, Mahon, Mar- shall, McGlaulin, Melanson, Merri- field, Miller, Noyes, Otto, Pike, Lubec; Porell, Ramsdell, Stevens, Wallace, Winslow, Worth.

Yea, 106; Nay, 0; Absent, 36.

The **SPEAKER**: One hundred and six having voted in the affirma- tive and none in the negative, 36 being absent, a hundred and six be- ing more than two-thirds of the en- tire elected membership of the House, the Bill is passed to be en- acted, and will be signed by the Speaker and sent to the Senate.

On motion by Mr. Varney of Ber- wick, the House voted to take from the table Bill "An Act to encourage development of Maine's Resources" (S. P. 733) (L. D. 1239) tabled by that gentleman earlier in this aft- ernoon session.

The **SPEAKER**: The question before the House is on the passage of this Bill to be enacted. This be- ing an emergency measure, it re- quires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. A yea and nay vote has been or- dered. As many as are in favor of the passage of this Bill to be en- acted will answer yes when their name is called; those opposed to the passage of the Bill will answer no. The Clerk will call the roll.

YEA—Arzonico, Ayotte, Bacon, Bar- ter, Batchelder, Belanger, Bolduc, Bragdon, Brown, Caribou; Brown, Co- rinna; Brown, Eagle Lake; Bubar, Burbank, Burgess, Limestone; Butler, Buzzell, Chandler, Churchill, Cleaves, Clough, Cook, Cowan, Cushing, Davis, DeBeck, Donahue, Dorsey, Douglass, Dow, Norway; Eddy, Ellis, Emery, Ers- well, Farwell, Fernald, Fowles, Good, Goss, Grua, Hall, Hawes, Hildreth, Hinckley, Hinman, Hodgkins, Holden, Holman, Hussey, Jordan, Keene, Lab- bee, LaFleur, Lambert, Larrabee, Lat- no, Lord, MacNichol, Maxim, McGilli- cuddy, McNamara, Mercier, Meserve, Mills, Murchie, Norwood, Palmeter, Paul, Payson, Peakes, Pelletier, Plum- mer, Poulin, Rumford, Poulin, Water- ville; Pratt, Preble, Race, Richardson, Robbins, Robie, Robinson, Bingham; Robinson, Peru; Robinson, S. Port- land; Shesong, Sleeper, Slosberg, Smith, Thomaston; Smith, West- brook; Snow, Dover-Foxcroft; Snow, Hermon; Stacy, Starrett, Stilphen, Sylvia, Tardif, Thompson, Townsend, Varney, Violette, Walker, Weed, Weatherbee, Welch, Whitney, Wil- liams, Winter, Young, Acton.

ABSENT — Babin, Bates, Bird, Crockett, Dean, Dennison, Dow, Eliot; Dow, Kennebunkport; Downs, Dwinal, Everett, Fogg, Ford, Hanold, Haskell, Howes, Jewett, Leveque, Luro, Mahon, Marshall, McGlaulin, Melanson, Mer- rifield, Miller, Noyes, Otto, Pike, Lu- bec; Porell, Ramsdell, Stevens, Wal- lace, Winslow, Worth.

Yea, 106; Nay, 0; Absent, 35.

The **SPEAKER**: One hundred and six having voted in the affirma- tive and none in the negative, thirty-five being absent, one hun- dred and six being more than two- thirds of the entire elected member- ship of the House, the Bill is passed to be enacted, and will be signed by the Speaker and sent to the Senate.

Mr. **BUBAR** of Weston: Mr. Speaker, out of order and under suspension of the rules, I present a Bill and move that it be referred to the Special Investigating Commit- tee. This Bill will not defer our recess any. I believe it is necessary and it will do away with a great deal of red tape connected with State affairs.

The **SPEAKER**: The gentleman from Weston, Mr. Bubar, moves that the rules be suspended in order to permit the introduction of a Bill out of order. Is this the pleasure of the House?

The motion prevailed.

The **SPEAKER**: The Clerk will read the title of the Bill.

Bill "An Act Giving the Duties of

the Treasurer of State to the Commissioner of Finance."

The SPEAKER: Is it the pleasure of the House that the Bill be admitted?

Thereupon, the Bill was admitted and was referred to the Joint Select Committee on Study of State Departments and sent up for concurrence.

The SPEAKER: The gentleman from Weston, Mr. Bubar, moves that the rules be suspended to permit introduction of a Resolve out of order. The Clerk will read the title of the Resolve.

Resolve Proposing an Amendment to the Constitution Abolishing the Office of the Treasurer of State.

The SPEAKER: Is it the pleasure of the House that the Resolve be admitted at this time, out of order and under suspension of the rules?

Mr. HINMAN of Skowhegan: Mr. Speaker—

The SPEAKER: The motion for suspension of the rules is not debatable. For what purpose does the gentleman rise?

Mr. COWAN of Portland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. COWAN: To ask a question of the Chair.

The SPEAKER: If it is in the nature of a parliamentary question, the gentleman may.

Mr. COWAN: Mr. Speaker, are these matters of unanimous consent?

The SPEAKER: The motion to suspend the rules requires a two-thirds vote of the members present. The Chair rules that the Resolve is admissible under the joint closing order in view of the nature of the Resolve.

Mr. BUBAR: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise? The pending question is on the suspension of the rules to permit the introduction of a Resolve, the title of which has just been read.

Mr. COWAN: Mr. Speaker, I ask for a division of the House.

The SPEAKER: All those in favor of the suspension of the rules to permit the introduction of the Resolve at this time will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: One hundred and four being present and sixty-one having voted in the affirmative, sixty-one being less than the necessary two-thirds, the rules are not suspended to permit the introduction of the Resolve.

Mr. Varney of Berwick, was granted unanimous consent to address the House.

Mr. VARNEY: Mr. Speaker, I would just like to say that at the present time there are some very important measures still pending before this Legislature. One is a measure concerning military defense, the particular parts of which I do not care to discuss except to remind you of its tremendous importance. Therefore it is tremendously important that you members attend the sessions of the House. One of the other matters is the Unemployment Compensation Bill about which we had some talk this morning. Many of the members have asked me as to the prospect of adjournment. I can only say that that depends upon the amount of speed with which this House is willing to act upon those matters that come before us. For the present, we have nothing to do. We are waiting for papers and it appears that we cannot gain anything by staying here now. I therefore move, Mr. Speaker, that we now recess until six-thirty P. M., Eastern Standard Time.

Thereupon, the House so recessed.

After Recess

7:00 P. M.

The SPEAKER: The House is proceeding under Senate Papers out of order.

From the Senate:

Senate report of the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Overdrafts Already Incurred due to Insufficient Appropriations and Anticipated Overdrafts and Other Obligations for Which no Legislative Appropriations Have Been Made." (S. P. 718) (L. D. 1221) reporting the same in a New Draft under the same title and that it "ought to pass," the New Draft being Senate Paper 747, Legislative Document 1242.

Comes from the Senate, in that body read and accepted and the new draft passed to be engrossed as

amended by Senate Amendment "A".

In the House:

The SPEAKER: Is it the pleasure of the House to accept the report of the Committee "Ought to pass in New Draft" in concurrence?

Mr. HINMAN of Skowhegan: Mr. Speaker, I have no desire to delay this House a minute or make any explanations, but several of my colleagues have said that they did not understand the Appropriation Bill and they wanted an explanation. Now if the House wants an explanation of the Bill I would be very glad to make it to the best of my ability.

Mr. DOW of Norway: Mr. Speaker, I looked the Bill over, and I was one of those who asked for an explanation by a member of that Committee, so I would know what I have to vote on.

Mr. HINMAN: Mr. Speaker and members of the House: You of course realize that this appropriation bill was made up last night, and that we of the committee do not claim to know very much more about the intricacies around which it revolves than you do, but we have considered the subject matter.

In the first place, the emergency preamble may have given a few of the members a wrong impression. It is not there because of any condition of funds but simply because of the fact that the year expires on June 30, and in order to clean up the transactions July 1st the emergency preamble takes care of that condition.

I will read you the general outline on the subject, and then I will especially discuss with you the Auditor's program, which is a considerable change.

This act calls for the appropriation of \$710,730.36.

\$509,244.00 of this amount covers overdrafts in so-called Health and Welfare activities. The appropriation for the support of paupers, together with the credits in that department for the year ending June 30, 1940, is \$815,099.00—the expenditures for 10 months to May first of 1940 were \$1,082,749.28. On that date the actual overdraft for the support of paupers and other dependent persons was \$267,650.00. The average expenditures per month for the first ten months of the year were \$115,000.00. It is expected that the expenditures for May and

June will continue at the same rate per month, so that by the first of July there will be an overdraft in this activity of \$497,650.00. This appropriation will provide this amount.

You of course realize that the law sets up the fact that the paupers shall be taken care of regardless of whether the money is available or not, and it is on the strength of that that those handling it feel at liberty to overdraw the account.

Now just by way of a little explanation as to the difference between the condition and the recommendation that we made and accepted in our regular session. I simply want to say this: That we laid out a rather definite program on the strength of certain very definite changes that were to take place, and it was only with what we thought was a reasonable assurance that they would take place that we had any idea anything could be saved. The changes have now taken place, and, about the first of July there will be a period of about two months after that period with a different working program, leaving ten months of 1941 in which we should begin to realize a considerable saving in the pauper department.

The second item provides for the administration of all Health and Welfare activities, including Old Age Assistance, for which \$320,000.00 was appropriated and for an anticipated overdraft at the end of the year of \$88,594.00.

In many of the activities of the Health and Welfare Department in which there is Federal participation, there are items in which the Federal Government does not share. For example: Burials and medical care in Old Age Assistance must be carried on entirely by the State and this burial cost for the present year will be approximately \$80,000.00 and, as it is not a benefit charge, it has been carried as part of the administrative cost of the department.

The same holds true in Aid to the Blind, Aid to Dependent Children and similar items. These non-reimbursable items are responsible for the bulk of this item.

Third: The distribution of surplus commodities requires \$8,000.00 additional funds. In this division are carried all costs for materials,

furnished the various Federal-supported work rooms, for the manufacture of items of clothing for which the Federal Government pays the entire labor charges of about \$300,000.00 a year. It has been necessary this year for the State to purchase approximately \$17,000.00 worth of cloth for these sewing rooms. In return, the finished garments are turned over to the State Welfare Department for use in pauper and emergency aid cases.

Fourth: The estimated overdraft for Emergency Aid support is \$15,000.00. This money is expended entirely in municipalities, the management of which has been taken over by the State under the Municipal Finance Board. With this increase, there will be a reduction in the total expenditure for the Emergency Aid, as compared with last year, of approximately \$80,000.00.

Fifth: \$18,000.00 is necessary for the Department of Adjutant General. On June 30, there will be bills payable of \$25,072.00 with \$6,981.86 in available funds in this department, which shows the overdraft. The overdraft amount is primarily due to two items: An additional seven-days' field training for the National Guard, ordered by the War Department, together with an increase of about 1-3 in the enlisted strength of the Guard increased the State cost \$9,319.55 this year.

The other large item was the completion of the Quartermaster's Building and Storage House, adjacent to the Adjutant General's Building at Camp Keyes, in Augusta, which amounted to \$9,252.27. Emergency repairs to the heating plant at the Portland Armory, the funeral expenses of Brigadier General, Frank M. Hume, and the expense for troops searching for the Fendler boy, are responsible for the balance.

Sixth: Cost and expense of the Audit of the State Accounts, for which no appropriation was made or anticipated, represent \$48,286.00. This is the amount of Ernst and Ernst bills for their audit to May 25th.

Seventh: The last deficiency item represents the amount of money necessary for the payroll and expense of this Special Session of the Legislature and is \$30,000.

These items are all for the present fiscal year.

In anticipating needs of the Department of Audit for the next fiscal year, Mr. William D. Hayes, in presenting his estimates of the amounts that will be necessary for his department to carry out the auditing provisions of law, requests the amount of \$50,640.00, divided as follows:

For auditing the departments and institutions, which includes the State Liquor Commission, \$24,924.00; for a complete auditing of the Highway Department and the agencies collecting the tax on gasoline and the registration of motor vehicles, \$22,082.00. This requires an increase of \$5,000.00 in the departmental appropriations and to provide the means whereby \$22,000.00 may be charged to the cost and administration of the Highway Department.

Now I want to discuss this Auditors' problem a little further, because it is so different.

We appropriated \$20,000. It has been the custom in the past to have from two to three men working on the auditing of all State accounts. There have been about ten men who have been employed on the auditing of the municipalities, the cities and towns and so forth. We do not need to be seriously concerned with this because it is self-supporting, in fact, in the appropriation you are requested to make for the Auditor we have deducted \$3000 of money requested, because there should be an increase or a gain in the auditing work for the municipalities of about \$3000.

Under the new plan, instead of two to three men to audit the affairs of the State the schedule has been laid out—and this schedule was laid out hurriedly—and I do not think you want to hold the State Auditor too thoroughly on what is in this schedule, because you must realize that when we asked him to make the schedule he had very little time to do it and he has had many other affairs to attend to since he was here, so it may not be accurate, but I do think his judgment, along with the consultations he has had with Ernst & Ernst or their representatives, makes it reasonably accurate—and it is the plan that nineteen men shall be used exclusively for the auditing of State accounts instead of two. The outside auditing will remain about the same.

You will be particularly interested in how this deficiency appropriation can be financed.

A review of the income derived from the existing sources compared with estimates made prior to the convening of the regular session against which appropriations were made, shows that the profits for the present fiscal year in the State Liquor Commission will exceed the estimates by \$250,000.00. Present indications show that the receipts from the collection of inheritance taxes will exceed the estimates by approximately \$75,000.00. The actual receipts from the tax on railroad companies will exceed the estimates by \$121,000.00. These three items represent \$446,000.00 increase, had there been on shrinkages in estimated revenues.

Receipts from the automobile title law did not reach the estimate by \$40,000.00. Collections from the various State Institutions will, without doubt, fall short of the estimate by \$75,000.00. This will make a net increase over estimated revenues for the present fiscal year available for this appropriation act of \$331,000.00.

In addition there will be available and unexpended the amount of \$150,000.00 from the State Contingent Fund, making a total of available funds of \$481,000.00. The balance of \$225,000.00 as provided in this act, to be charged to the Sinking Fund Reserve. This amount is not of sufficient size to in any way jeopardize the standing of that account, nor seriously affect the cash position of the State, neither will it require any new or increased taxation.

Now please do not ask me if the Sinking Fund Reserve is all cash, because it is not, and I cannot tell you of the different items that will be in the sinking fund; but we are given every assurance by those who I believe know that there will be plenty of money in the sinking fund to take care of it.

I would be very glad to answer any other question I can answer, or get the information for you if you will ask it.

Mr. LAMBERT of Lewiston: Mr. Speaker, may I ask a question of the gentleman from Skowhegan, Mr. Hinman, through the Chair?

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, may ask his question through the Chair.

Mr. LAMBERT: Mr. Speaker,

I would like to know—the gentleman has stated that the revenue from the Automobile Title Law was \$40,000 under the estimate, and I would like to know if he could tell me now just the total amount of the revenues from the Automobile Title Law.

The SPEAKER: The gentleman from Skowhegan may answer if he chooses.

Mr. HINMAN: Mr. Speaker, I had that on my desk this afternoon, but I have thrown it away. I am quite sure that the amount to June 1st was \$206,000 and the expense was \$56,000 and something. I can get that for you in a few minutes, but that is it approximately.

Mr. MacNICHOL of Eastport: Mr. Speaker, may I ask a question through the Chair?

The SPEAKER: The gentleman from Eastport, Mr. MacNichol, may ask his question through the Chair.

Mr. MacNICHOL: Mr. Speaker, in taking down some of the figures that the gentleman from Skowhegan, Mr. Hinman, has given, it just causes me to wonder whether I have made a mistake in arithmetic or whether that gentleman has made a mistake.

He states that the excess profit from the liquor stores, and the railroad tax and so forth amounts to \$446,000, a total of \$446,000.

Mr. HINMAN: \$331,000.

Mr. MacNICHOL: Well, Mr. Speaker, it does not add up to that. The liquor store was \$200,000 and the railroads \$125,000. I did not make any notes. I was wondering where the deduction came from.

The SPEAKER: The Chair would suggest that perhaps the clearest way would be for the gentleman from Skowhegan, if he wishes, to restate those items.

Mr. HINMAN: Excess income from Liquor Commission, \$250,000, \$75,000 from inheritance taxes, \$121,000 from the railroads. Those three items represent \$446,000 increase had there been no shrinkage in estimated revenue.

Mr. MacNICHOL: That is true. Now there is a \$41,000 shrinkage in the Automobile Title Law.

Mr. HINMAN: As I understand it, Mr. Speaker, the estimated revenue was \$250,000 from the Automobile Title Law, and, as I remember it, we received \$206,000. Now I think that the \$206,000 item that I had was the total receipts of the

title law from the time it went into effect until the time, which was probably June 1st, which I could check but which I don't know definitely—I do not know whether there was any estimate of it come from the title law between the time of June 1st in that estimate.

Mr. MacNICHOL: The point I was coming at, Mr. Speaker, with a \$446,000 surplus, there was \$41,000 estimated loss in the Automobile Title Law, which left \$401,000, so there is the difference between the \$331,000 and the \$401,000, and I was wondering where the other \$60,000 was.

Mr. HINMAN: Mr. Speaker, I think it is the \$60,000 expense in the administration of the title law.

Mr. BURGESS of Limestone: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Skowhegan, Mr. Hinman.

The SPEAKER: The gentleman may ask his question through the Chair.

Mr. BURGESS: Mr. Speaker, I would like to ask this question: Whether or not the \$121,000 surplus railroad tax was not required by law to be apportioned back to the several towns.

The SPEAKER: The gentleman may answer if he chooses.

Mr. HINMAN: Mr. Speaker, I could not answer. I think the information might be obtained in the next five minutes.

The SPEAKER: The question is on the acceptance of the committee report.

Mr. BURGESS: Mr. Speaker, might I ask for that information before I am asked to vote on this matter?

The SPEAKER: A motion to table would be in order.

Mr. VARNEY of Berwick: Mr. Speaker, might I suggest to the gentleman from Limestone, (Mr. Burgess) that this Bill has not yet had its several readings and been passed to be engrossed. After it is engrossed it will still have to be passed to be enacted. I think perhaps it would be a better course of procedure for the gentleman to check up on the information that he desires before it is passed to be enacted.

Mr. BURGESS: Mr. Speaker, I might state I have no desire to table or delay in any way, but it is not yet clear to me in regard to some of these matters, and I do not wish to vote on them without understanding more about them than I do now.

I will try to find out before the Bill is passed to be enacted.

The SPEAKER: Is the House ready for the question? The question is on the acceptance of the "Ought to pass" report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Overdrafts already Incurred due to Insufficient Appropriations and Anticipated Overdrafts and other Obligations for which no Legislative Appropriations have been made (S. P. 718) (L. D. 1221) reporting same in a new draft (S. P. 747) (L. D. 1242) under same title.

All those in favor of the acceptance of the report will say aye; those opposed no.

A viva voce vote being taken, the report of the committee was accepted in concurrence, and under suspension of the rules the Bill had its two several readings.

Senate Amendment "A" read by the Clerk and adopted in concurrence. The Bill then had its third reading as amended under suspension of the rules.

Mr. HINMAN: I would like permission, Mr. Speaker, to answer the question.

The SPEAKER: The gentleman has the floor.

Mr. HINMAN: The item of return to towns on the railroad stock tax is in the general fund.

The SPEAKER: The question before the House is on the passage of the Bill to be engrossed. Is the House ready for the question? All those in favor of the passage of the Bill to be engrossed, as amended and in concurrence, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Bill as amended was passed to be engrossed in concurrence.

Mr. Bubar of Weston, was granted unanimous consent to address the House.

Mr. BUBAR: Mr. Speaker, I wish to explain, just as briefly as I can, the difficulty that arose over the Bill that I presented this afternoon. It seems that the gentleman from Portland, Mr. Cowan, has withdrawn his objection that he had, and I have here a Resolve which is a Siamese Twin to that Bill, and the Bill would scarcely survive without the Resolve. This will save the State, I believe, a considerable sum of money and do away with yards and yards of red tape that now has to

be contended with, and I understand there is very little objection to it. At this time, under suspension of the rules, I present a Resolve to accompany the Bill.

The SPEAKER: The gentleman from Weston, Mr. Bubar, moves that the rules be suspended to permit the introduction of a Resolve out of order at this time. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Clerk will read the title of the Resolve.

Resolve Proposing an Amendment to the Constitution, Abolishing the Office of the Treasurer of State.

Thereupon, the Resolve was received, and on further motion by Mr. Bubar, was referred to the Joint Select Committee for the Study of State Departments, and sent up for concurrence.

Paper from the Senate, out of order and under suspension of the rules:

From the Senate:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, July 22nd, 1940, at three o'clock in the afternoon, Eastern Standard Time.

Comes from the Senate, in that body read and passed.

In the House:

Mr. VARNEY of Berwick: Pending such time as we have advanced to the proper point, I move that the Order lie on the table.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the Order lie on the table. Is this the pleasure of the House?

The motion prevailed, and the Order was tabled, pending passage.

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

ORDERED, that the Superintendent of Public Buildings be directed to reserve and continue available Room 62 and small office adjoining thereto for the exclusive use of the Clerk of this House during any recess of this special session of the Legislature.

House at Ease (Out of order)

From the Senate:

Bill "An Act Amending the Unemployment Compensation Law relating to Employer Liability and Coverage" (S. P. 739) (L. D. 1245) (New Draft of (S. P. 717) (L. D.

1222) which was passed to be engrossed in the House as amended by House Amendment "A" in non-concurrence earlier in today's session.

Comes from the Senate, that body voting to adhere to its former action whereby the original Bill (S. P. 717) (L. D. 1222) was passed to be engrossed as amended by Committee Amendment "A" and as amended by Senate Amendment "A".

In the House:

Mr. WEATHERBEE of Lincoln: Mr. Speaker, this is, I feel, a very important matter. I have just been informed that the Auditor has stated that one of the features incorporated in this Bill would result in a saving to the State of Maine of about \$10,000 a year in the matter of check-writing, and I feel, although the hour is late, that this House should insist and ask for a Committee of Conference, and I so move.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed and the Speaker appointed the following Conference on its part:

Messrs, Weatherbee of Lincoln, Grua of Livermore Falls, Churchill of Brewer.

Passed to be Enacted (Emergency Measure)

An Act relating to Fees of Wardens of the Department of Sea and Shore Fisheries (S. P. 736) (L. D. 1232)

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this Bill to be enacted will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

One hundred and four having voted in the affirmative and none in the negative, one hundred and four being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Emergency Measure)

An Act Appropriating Moneys for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and other Obligations for which no Legislative Appropriations have been made. (S. P. 747) (L. D. 1242)

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this Bill to be enacted will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

One hundred and two having voted in the affirmative and none in the negative, one hundred and two being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

From the Senate:

Report of the Committee on Military Affairs on Bill "An Act Providing for Improvement in Military Preparedness" (S. P. 730) (L. D. 1230) reporting the same in two new drafts under the following titles:

"An Act Providing for Improvement in Military Preparedness" (S. P. 750) (L. D. 1244)

"An Act Authorizing the Issue of Bonds to Defray Military Expenses (S. P. 749) (L. D. 1243) and that they "Ought to pass."

Comes from the Senate, accompanied by one of the new drafts only under title of "An Act Providing for Improvement in Military Preparedness" (S. P. 750) (L. D. 1244), the report read and accepted and that new draft (S. P. 750) (L. D. 1244) passed to be engrossed.

In the House, report read and accepted on S. P. 750, L. D. 1244, in concurrence, and the Bill was given its two several readings.

Mr. Lambert of Lewiston then offered House Amendment "A" and moved its adoption.

"House Amendment "A" to Senate Paper 750, L. D. 1244, entitled 'An Act Providing for Improvement in Military Preparedness.'"

Amend said Bill by inserting

after the words "with the advice and consent of the council" where they first appear in said section, the words 'four of whom shall be members of the majority party and two of whom shall be members of the minority party.'

The SPEAKER: The Clerk will read Section 3 of the Bill insofar as the amendment would affect it.

Section 3 read by the Clerk.

Mr. LaFLEUR of Portland: Mr. Speaker, may I make an inquiry through the Chair as to the interpretation of the amendment. If it follows the term of the words "with the advice and consent of the council"—I know the intent of the amendment, but might not the amendment perhaps be defined as a change by the Governor and Council?

The SPEAKER: Does the gentleman address his question to any particular member?

Mr. WHITNEY of Bangor: Mr. Speaker, this Bill is intended as a defense measure, and certainly I do not think we should have any politics connected with it. It almost seems to me that if we adopt this amendment, we are injecting an element of politics into something that should absolutely be devoid of any politics, therefore I move that the amendment be indefinitely postponed.

The SPEAKER: Under the rules of the House, the rules have to be suspended to permit the consideration of the amendment without reproduction. Is it the pleasure of the House that the rules be suspended to permit consideration of the amendment and the Bill at this time?

The motion prevailed.

The SPEAKER: The gentleman from Bangor, Mr. Whitney, now moves that House Amendment "A" be indefinitely postponed.

Mr. HINCKLEY of South Portland: Mr. Speaker, I think I should like to ask for some information on this amendment before I vote on the motion of the gentleman from Bangor, Mr. Whitney. As I understand it, the Bill that we have before us provides for the appointment of six members, regardless of party. Now this amendment provides that when the appointments are made, four of them shall be from the majority party and two from the minority party. Now we might have this situation:

At the present time the Republi-

can party is the majority party. The Governor and Council appoint four Republicans and two Democrats. What, if two years from now, the majority party is the Democratic party? We still have at least two or three Republicans, or four Republicans, on this Board, and two Democrats. Are you going to remove the Republicans and put on Democrats before their terms expire? I think you are going to run into a lot of complications if you try to do that thing. I do not think it can possibly work out.

Mr. MAXIM of Portland: Mr. Speaker, I would like to add my word to the remarks of the previous two speakers.

In most measures, I am heartily in sympathy with any move to define the relative proportion of the members as they may apply to the two parties. I cannot see that this is in any respect a party measure or anything in which the party affiliation of the appointee is of any concern to this Legislature now or to the State later. In a defense measure like this, it seems to me the Governor should be free to appoint on the Commission such men as he thinks are best qualified to fill the job, and get the military establishment, which we have too long neglected, going in good shape without any regard to party politics. I think it would be a great mistake, under these circumstances, and in this emergency, when the need is of vital concern to all of us, regardless of party; I think it would be very unfortunate if we specified the parties to which the members might belong in any proportion. So far as I am personally concerned, if there were six Democrats that were the best men available in the State to fill the posts concerned, I would say appoint them. I have not the slightest desire to see the matter decided on political grounds. I have no doubt that the matter may be considered by the Governor if he wishes to, and I have no objection whatever, but I hope that the motion of the gentleman from Bangor, Mr. Whitney, in favor of the indefinite postponement of this amendment will prevail.

Mr. LAMBERT: Mr. Speaker and members of the House: In order to clarify the statement of the gentleman from South Portland, Mr. Hinckley, who said that it might occur so that the Democratic Party would be the majority party and there would be four Democrats on

the Commission, I will say as I understand it, on this Commission two members would go out each year, so that point never could happen.

In answer to the other gentleman, I will say I believe that several commissions now are existing in the State of Maine where the minority party is represented, and I do not know why they should not be represented on this Commission.

Mr. MacNICHOL of Eastport: Mr. Speaker, I have listened to the arguments propounded here, and I will say from reading over the Armory Commission Bill and the duties of the Commission as prescribed by the Bill that in the light of the fact that there are in the State of Maine a certain number of people belonging to the minority party who have not been and are not now recognized on the Commissions appointed by the Governor and Council, and I say that it is only fair for the Democratic party to ask for not only two members, but for one-half of this Commission. While I do not believe that partisan politics should enter into such matters as this, I think it is only fair to change that amendment and make it three from each party, and then we will have no party lines.

Mr. BARTER of Stonington: Mr. Speaker, I have listened to the remarks of the various members, and I want to say that this is a measure that I am very much interested in. I feel very much like the boy who stood on the bridge at midnight, "and I would that my heart could utter the thoughts that arise in me." Evidently he was better with his pen than he was with his tongue. That is the way with me.

I listened to a retired General the other day, on the radio. He said: "If we wake up in time and if we work hard enough, and God Almighty gives us time enough, perhaps we can defend our shores." And I feel as he did. I believe the time has come to do something, and delays are very dangerous. I feel that the enemy is nearer us than we think for, and I hope that Maine will wake up and do something on this Bill, and do it tonight.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Whitney, that House Amendment "A" be indefinitely postponed. All those in favor of the indefinite postponement of House Amendment "A" will say aye; those opposed no.

A viva voce vote was taken.

By request of Mr. Lambert, a division of the House was had.

Sixty-six having voted in the affirmative and 26 in the negative, the motion prevailed, and House Amendment "A" was indefinitely postponed.

Thereupon, the rules were suspended and the Bill was given its third reading and passed to be engrossed in concurrence.

Mr. LaFleur of Portland: Mr. Speaker, may I inquire if the Chair knows where the accompanying Bill, Legislative Document 1243, is, which provides for the bonds and money for defense of the State of Maine?

The SPEAKER: The record shows that the report of the committee was accompanied by two new drafts, only one of which came to the House.

Mr. LaFLEUR: Mr. Speaker, may I have the unanimous consent to address the House for a short time?

Unanimous consent was granted.

Mr. LaFLEUR: Mr. Speaker, I wish that I had the ability to express that which is in my heart this evening. There are two times in a man's life, perhaps three, when he is near the Creator who created him. That is in the calm of night when the children have gone to bed and his wife and himself are sitting by the fireside trying to determine and think his way clear in the problems of life. The other time is at death when death approaches. And I think in the life of a soldier, as I think back at that time in 1918 when we were lying in Belleau Wood and in the Argonne Forest waiting for the word to go over the top, we men thought of the Creator and our problems of life. And I made the vow at that time that if God spared my life and I had the opportunity to come back and explain to the citizens of my State the need of preparedness, I would explain the situation so that every boy who takes up arms to defend his country would have an opportunity to be trained.

We have been here for two weeks, and under the call of the Governor one of the calls was for military defense in this particular State, and our Military Affairs Committee has worked long and actively, worked long hours into the night trying to present to you ladies and gentlemen a Bill that would set out as best we could with the information we then had, a plan under which we could work. For the last twenty-three years this State has done absolutely nothing for State defense

with perhaps the exception of the last three years. We have allowed a condition that was prevalent in 1914 and 1917 and, as a result of that short-sightedness we left some of the finest boys this country ever had in Flanders. We had a plan, and I admit perhaps it might be a poor plan, but a poor plan well executed is better than no plan at all. We presented to this Honorable Body and to the Senate this particular Bill, and we also presented an accompanying Bill which provided for the issuance of bonds to clarify and remedy the condition. Apparently we are going to arrive at the conclusion at this particular session that we will do absolutely nothing to correct it. I cannot permit this opportunity to pass to register my objection to that method of procedure. I would rather tonight vote for two million dollars to start this thing rolling, even though I be wrong; at least we are proceeding on some plan, and I hope to God that if we wait until July 22nd it may not be too late. I am not hysterical; I am in one of the calmest moments in my life. I was talking to a member of the Legislature a while ago and we were discussing this bond issue, and he raised the question whether or not the citizens of the State were prepared for this body to make a decision for two million dollars. He took the position of what is the Federal Government going to do. Now I do not particularly care what the Federal Government is going to do in the State. I am interested in what this State is going to do. I pointed out to him if the Federal Government eventually appropriates money it might be postponed into the fall, and I say to you ladies and gentlemen I do not think this State can afford to wait three, four or five months, but should start immediately placing in the hands of our boys the wherewithal to successfully defend not only himself but this State. That particular three or six months might be the difference between life and death of your own boy.

As I pointed out last week, I have seen young men in the last World War inside of three months dead at the front for the reason that the American people did not have the guts to raise the money to properly train those boys.

I am not criticizing anyone, but I cannot remain silent here this

evening when I think that we have done absolutely nothing. (Applause)

Mr. VARNEY of Berwick: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. VARNEY: Mr. Speaker, I am not sure to whom or to what group or this Legislature some of the last remarks were addressed, but I feel that I cannot resist from stating the fact as I know it to be concerning the history of the so-called may I say appropriation of the two million dollar bond issue Bill for National Defense about which I assume the gentleman from Portland (Mr. LaFleur) was just addressing his remarks. I simply want to state that I have endeavored as a member of this body during the entire special session to bring matters to your attention as rapidly as possible, keeping in mind all the time the seriousness of them all.

And referring now to the history of this Bill, if my recollection serves me correctly, the Military Affairs Committee, the joint committee of this Legislature, of which the gentleman from Portland, who just spoke, is a member I think, held a public hearing more than two weeks ago on that Bill on the floor of this House. So far as I know, this body has had no opportunity to consider any report from that committee concerning the two million dollar bond issue up to the present time and, so far as I know, there is nothing that this body could have done to have brought that Bill forward from the Military Affairs Committee at a sooner time, unless we had done it by a Joint Order of the House and Senate directing them to report the Bill in for our consideration.

I wish to further state that I personally contacted the gentleman who has just spoken, I think day before yesterday, and possibly before that, and inquired of him if it would not be possible to have the so-called bond issue bill brought forward because, as I reminded him, we were going to attempt to adjourn this Legislature by this week end, if possible. Following that I had several conferences with different persons interested in that Bill, and

I believe I am correctly stating when I say that no report was forthcoming from the Military Affairs Committee until sometime during the forenoon of today when that report was filed in the Senate. The report was not printed originally, awaited printing, and up until the present moment has not reached this body. I speak of these things because I do not feel that any report of this body could have done anything that has not been done to have brought that measure before this House at a sooner time.

Personally I do not feel that at this late hour we are able to properly consider a measure of such importance as that is, namely, concerning the expenditure of two million dollars. If the members of this House believe it is of sufficient importance that we should consider it before we recess to the time which the adjournment order calls for, I assure you I would be one who would be willing to stay here, but time is necessary. I perhaps misconceived the intention or the purpose of the remarks of the gentleman who has last spoken, but I could not resist the opportunity to call to the attention of this House that if there has been any undue delay in bringing that bill before this body, it certainly has not been the fault of any of the individual members or those who have been trying to follow legislation here.

Mr. Speaker, may I ask consent to address the House on a separate matter at this time?

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. VARNEY: Mr. Speaker, your recently appointed investigating committee has asked me to convey to the members of this House the fact that the committee is organized and is operating and will continue to function to the best of their ability as we see it from now until the next session of this Special Session which I anticipate at the present time, according to the terms of the Joint Order which has been passed, will be on the 22nd day of July.

Your committee also wished me to bring to your attention the fact that we are engaged in an investigation and we would ask the mem-

bers to please be patient because, as expressed in the words of the Chairman of the committee, you cannot hunt foxes with a cow-bell around your neck.

House at Ease

The SPEAKER: The House will be in order.

The Chair will announce at this time the appointments to the Recess Committee to Study the Administration of State Affairs. The gentleman from Portland, Mr. Payson; the gentleman from Unity, Mr. Farwell; the gentleman from Rockland, Mr. Bird; the gentleman from Livermore Falls, Mr. Grua; the gentleman from Waterville, Mr. Poulin;

the gentleman from South Portland, Mr. Hinckley; and the gentleman from Dresden, Mr. Stilphen.

On motion of Mr. Varney of Berwick, the House voted to take from the table the Joint Order relative to closing, tabled by that gentleman earlier in today's session, and on further motion by the same gentleman the Order received passage in concurrence.

On motion of Mr. Varney of Berwick, at 9:45 P. M., the House adjourned until July 22, 1940, at three o'clock in the afternoon, Eastern Standard Time.