

MAINE STATE LEGISLATURE

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Legislative Record

SECOND SPECIAL SESSION

JUNE 26, 1940

HOUSE

Wednesday, June 26, 1940.

This being the day designated in the proclamation of the Governor for the meeting of the Eighty-ninth Legislature in extra session, the members of the House of Representatives assembled in their hall at nine o'clock standard time in the forenoon and were called to order by the Speaker.

Prayer was offered by the Rev. Dr. Wood of Augusta.

The SPEAKER: The Clerk will read the Proclamation.

STATE OF MAINE**PROCLAMATION BY THE GOVERNOR**

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider legislation relative to plans for national defense and improvement of military facilities.

To consider any legislation to promote the welfare of the State.

I, THEREFORE, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Wednesday, the twenty-sixth day of June, 1940, at nine o'clock in the morning, Eastern Standard Time, in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-first day of June, in the year of our Lord one thousand nine hundred and forty, and in the one hundred and sixty-fourth year of the Independence of the United States of America.

State Seal

LEWIS O. BARROWS,
Governor.

By the Governor:

HAROLD I. GOSS,
Deputy Secretary of State

A true copy:

Attest:

HAROLD I. GOSS,
Deputy Secretary of State.

Thereupon, the Proclamation by the Governor was ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and twenty-one members answering to their names, a quorum was declared to be present.

Those who were absent were: Messrs. Barter, Buzzell, Miss Clough, Messrs. Dennison, Donahue, Dow of Kennebunkport, Everett, Hildreth, Keene, Labbee, Levesque, Mac-Nichol, Merrifield, Mills, Otto, Pike of Lubec, Porell, Ramsdell, Sleeper, Smith of Westbrook, Stevens and Weed.

On motion by Mr. Bird of Rockland, it was

ORDERED, that a committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the hall of the House for the consideration of such business as may come before the House.

Thereupon, the Speaker appointed as such committee Representatives Sleeper of Rockland, Robbins of Harrison, Meserve of Casco, Cleaves of Presque Isle, Melanson of Cherryfield and Wallace of Sanford.

The committee subsequently reported that it had conveyed the message entrusted to it.

At this point a message was received from the Senate, through its Secretary, informing the House that a quorum was present in the Senate Chamber and that body was ready for the consideration of such business as may come before it.

On motion by Mr. Varney of Berwick, out of order, it was

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

The Speaker then designated the Clerk to convey the message to the Senate, and the Clerk subsequently reported that he had performed the duty assigned him.

A message then came from the Senate borne by Secretary Brown of that body proposing a Joint Convention to be held in the hall of

the House forthwith for the purpose of extending an invitation to His Excellency, Governor Lewis O. Barrows, to attend the Convention and present such communication as he may be pleased to make.

On motion by Mr. Varney of Berwick, it was voted that the House signify to the Senate its concurrence in the proposal for a Joint Convention for the reasons as stated.

Thereupon, the Clerk of the House was delegated to perform that duty and he subsequently reported that he had so done, which report was accepted with the thanks of the House.

The Senate then came in and a Joint Convention was formed.

In Convention

The President of the Senate in the Chair.

The CHAIRMAN: The Chair will inform the Convention that the Governor will communicate to the Convention by a letter. The Secretary will read the letter from the Governor.

STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA, MAINE

June 26, 1940

To the President and Members
of the Senate:

To the Speaker and Members
of the House:

I have had the honor of addressing many messages to you but never before have I had the responsibility of transmitting a message of more importance nor under conditions that more seriously imperil the future of our State and Nation. I am convinced that we do not have a moment to waste, and I strongly urge your definite and prompt action at this session.

We, in this Country, face an immediate crisis which only unity of thought and action can possibly avert. No one should fail to realize that the representative form of government, which we have known for over a century, now hangs in the balance. What can we do at the moment? The common answer apparently is: prepare **now** and prepare **fully**—and very likely we should be prepared for any sacrifices that we may be called upon to make in the next few months.

Under these conditions, long-range predictions are impossible. We must face present day problems with grim determination and the fervent hope and prayer that some unforeseen miracle may yet arise that will prevent our participation in another world war—a hope, even if to some people a forlorn hope.

In the event of war, our common defense is a National problem; nevertheless, we have our part to perform, and in my humble opinion, we are today merely considering our initial effort. If this State is to receive much needed modern equipment for defense purposes, we are required to maintain certain minimum safeguards to protect such equipment as may be allotted to us. Within the past week the armory facilities of this State have been Federally inspected and declared wholly inadequate for the acceptance of anti-aircraft guns, search lights, and motorized units that otherwise would have been issued before this. In order to correct this condition and to provide ample training facilities, the sum of \$2,000,000 is requested by our military authorities. This amount should be expended under the direction of a special Military and Citizens' Defense Commission created for this expressed purpose.

The W. P. A. authorities of Maine have advised me that they are not prepared or equipped to be of any assistance in this phase of our defense preparations.

Modern warfare has demonstrated the effective use of the airplane. That means airport development in which the Federal Government has declared its willingness and ability to assist the State through W. P. A. Up to this moment, accurate and detailed information is not available but I was advised yesterday afternoon by W. P. A. of an estimated figure of \$428,460, an amount necessary as a sponsor's share to fully develop the twelve airports approved by the Federal Government. This figure does not comply with existing Federal requirements that are necessary in order for this State to qualify and apply for a National Guard Aviation Unit. The present requirements for such a unit specify that only cities of a minimum population of 50,000 inhabitants will be considered, and as the matter now stands, the War Department has refused to approve

the cities of Portland or Rockland in the list of airport priorities. In my opinion, the State of Maine should be protected by an aviation unit at once and it may later be possible to overcome the Federal objections for airport development of these two cities.

In addition to our National Guard requirements, it is essential and vitally necessary to strengthen our State Police Department. The lack of proper equipment, the lack of sufficient men, and the lack of adequate facilities constitute another present emergency. A good State Police officer, like a good soldier, cannot be trained and equipped in a day, and in the event of mobilization the present State Police would be further reduced by the fact that six of the members of the present force would forthwith be called "to the colors." Resignations and retirements during the past two years have further reduced the present force by like number, and I believe an absolute minimum of fifteen men should be enlisted immediately and trained for active work. I therefore ask for an added appropriation of \$100,000, using the emergency clause, in order to provide more men as well as necessary quarters and equipment. We lack both at the present time. Inasmuch as the funds for the maintenance of this division come from the Highway Department, I would curtail if necessary a mile or two of construction this summer in order to insure adequate State Police protection. I say this reluctantly, but I am firmly convinced of the necessity under the present conditions.

In view of the lack of replacements in essential defense industries, the Federal Government has expanded its vocational training program by a substantial additional appropriation. Telegraphic inquiry has been made of me within the last two days asking if the State Treasurer is authorized to act as custodian of Federal funds for this purpose. The Attorney General advises that an amendment to our present statutes is desirable and has prepared such an act for your consideration. If you agree with me that such authorization is advisable and that any expenditure of such funds be made under our present State Board for Vocational Education, then I trust that you will

favorably consider such an amendment.

One feature contained in Legislative Document No. 1245, presented on June seventh, in reference to the Unemployment Compensation Commission, provides for the issuance of all checks at the office of the Commission, under the supervision of the State Controller and State Treasurer. Every day that such a measure is delayed means added expense to the State Controller's office. This is estimated, conservatively, at the rate of \$8,000 per year. I feel obliged to call your attention once more to this fact and ask that it be given separate consideration if necessary.

Briefly, these are the problems that, in my estimation, justify the present session and your prompt action. As I have pointed out on other occasions, adequate financing of the 1941 highway program has not yet been provided. If it is decided that a program of construction, on the scale that has been approved for the present year, should be continued in 1941, it must have your consideration either now or during the adjourned session which has been called for July twenty-second.

I repeat what I have said on every other occasion, namely that I stand ready to be of such assistance as may be necessary in any of your deliberations.

Respectfully submitted,
(Signed) LEWIS O. BARROWS
Governor

Thereupon, the purposes for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to its chamber, amid the applause of the House, the members rising.

In the House

Called to order by the Speaker.

The following paper from the Senate was taken up out of order under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1940, convened on June 26th, be printed and bound, one copy each for the members and officers of the Senate and House of

Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk (S. P. 759).

Comes from the Senate read and passed.

In the House, a viva voce vote being taken, the order received passage in concurrence.

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

Mr. VARNEY: Mr. Speaker, I am about to offer a Bill amending the Unemployment Compensation Law relating to compensation funds, and I simply want to state to the House that this amends the Compensation Act in the particular just referred to by the Governor in his message, and is not controversial. It takes out of the act that we had before us at the other Special Session that part which is essential and necessary, that we should pass it immediately in order to save some expense on the part of the State of Maine, and leaves the rest of the act without being touched. I propose to offer it at this time and then lay it on the table for printing, so that you can see what it is before you vote on it.

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

Bill "An Act Amending the Unemployment Compensation Law Relating to the Unemployment Compensation Fund." (H. P. 2273)

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the rules be suspended to permit introduction of the Bill at this time.

The motion prevailed and the Bill was introduced; and on further motion by the same gentleman 500 copies of the Bill were ordered printed.

On further motion by Mr. Varney the Bill was tabled pending reference.

From the Senate: Out of order and under suspension of the rules, the following Order:

ORDERED, the House concurring, that 500 copies of the Governor's communication be printed.

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

In the House, read and passed in concurrence.

On motion by Mr. Varney of Berwick,

Recessed until one o'clock this afternoon, E. S. T.

After Recess—1.10 P. M.

The House was called to order by the Speaker.

Mr. VARNEY of Berwick: Mr. Speaker, in view of the fact that all pending matters are awaiting disposition by the Senate, I move that the House recess for one hour.

The motion prevailed and the House recessed until 2.10 P. M.

After Recess—3.30 P. M.

Called to Order by the Speaker.

The SPEAKER: If there is no objection, the Clerk will correct the House Journal to show the presence today of the gentleman from Belfast, Mr. Buzzell, the gentleman from East Machias, Mr. Dennison, the gentleman from Biddeford, Mr. Donahue, the gentleman from Norridgewock, Mr. Everett, the gentleman from Cumberland, Mr. Hildreth, the gentleman from Lewiston, Mr. Levesque, the gentleman from Eastport, Mr. MacNichol, the gentleman from Lebanon, Mr. Merrifield, the gentleman from Lubec, Mr. Pike, the gentleman from Westbrook, Mr. Porell, the gentleman from Rockland, Mr. Sleeper, the gentleman from Westbrook, Mr. Smith, the gentleman from Manchester, Mr. Weed and the gentleman from Clinton, Mr. Keene.

The Chair also understands that the member from Bangor, Miss Clough, and the gentleman from Dexter, Mr. Otto, are unavoidably absent from the State, Miss Clough being in attendance at a Convention in Philadelphia.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I would call attention to the fact that I have a telegram from Mr. Dow. Joy Dow is at the Republican Convention and is unable to be here.

On motion by Mr. Varney of Berwick, the House voted to take from the table Bill "An Act Amending

the Unemployment Compensation Law Relating to the Unemployment Compensation Fund." (H. P. 2273) (L. D. 1248) tabled by that gentleman earlier in today's session; and on further motion by the same gentleman, under suspension of the rules, the Bill had its three several readings without reference to a committee, was passed to be engrossed and sent up for concurrence.

The SPEAKER: Pending receipt of further papers from the Senate, the House will be at ease.

House At Ease

4.30 P. M.

Called to order by the Speaker.

Papers from the Senate, out of order.

From the Senate: Bill "An Act Providing for Improvement in Military Preparedness" (S. P. 756) (L. D. 1246)

Comes from the Senate with the Bill given its several readings under suspension of the rules, Senate Amendment "A" read and adopted and the Bill passed to be engrossed as amended without reference to a Committee.

In the House: Senate Amendment "A" was read by the Clerk.

Under suspension of the rules the Bill was given its two several readings without reference to a Committee and Senate Amendment "A" was adopted in concurrence.

Mr. Payson of Portland, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 756, L. D. 1246, Bill "An Act Providing for Improvement in Military Preparedness."

Amend said Bill by inserting after the word "airports" in line 45 of section 1 thereof, the word 'ship-yards'.

Further amend said Bill by adding after the word "facilities" in the 46th line of section 1 thereof, the following words: **'including the building and/or improvement and maintenance of railroads and/or roads necessary for the more efficient use of such facilities.'**

Mr. PAYSON: Mr. Speaker, in explanation of this amendment, may I say that there is a possibility that there might be a shipyard in addition to the ones already in this

State, for the construction of naval vessels. If that possibility should become a fact, the power given to the Commission under this amendment might be very useful and instrumental in making the facilities of the shipyard most effective. The probability is that the Commission will never use this authority granted here, but, on the possibility they might need to use it, I have asked to have this amendment inserted.

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?

Thereupon House Amendment "A" was adopted.

The rules were further suspended and the Bill as amended by Senate Amendment "A" and as further amended by House Amendment "A" was given its third reading and passed to be engrossed in non-concurrence, without reference to a Committee, and sent up for concurrence.

From the Senate: Bill "An Act Authorizing a Bond Issue for Military Expenses" (S. P. 757) (L. D. 1247)

Comes from the Senate with the Bill given its several readings under suspension of the rules, Senate Amendment "A" read and adopted, and the Bill as amended passed to be engrossed without reference to a Committee.

In the House: Senate Amendment "A" was read by the Clerk.

Under suspension of the rules the Bill had its two several readings without reference to a Committee.

The SPEAKER: The question is now on the adoption of Senate Amendment "A".

Mr. HINMAN of Skowhegan: Mr. Speaker, I do not know as I understand this Bill too well. It seems to me that we have set up two million dollars with the understanding that it is in part to pay such part of that two million dollars as the State may be able, which would reduce the bond issue. It seems to me a part of this amendment would continue the spending of money so long as the State could find funds to reduce or keep within the two million dollars. It may be that is our intent. In other words, it seems that we may be appropriating four or five million dollars instead of two. If I do not understand the

Bill correctly, I am wrong. I think as set up with the two million dollar bond issue to start with, it is set up that the State may use money from the general fund, if it is available, to reduce these bonds. It seems as it is set up we may borrow in addition to the two million dollars, which makes a total of more than two million dollars that we are spending under the Act.

Mr. WHITNEY of Bangor: Mr. Speaker, I heard this question raised prior to the time this Legislature recessed a few days ago. I took the matter up with the Attorney General, and I will read an excerpt from the letter that he wrote me. "We all, of course, know that the purpose of this legislative document was to provide for a fund not exceeding \$2,000,000 to be raised, if necessary, by an issue of bonds. By Section 1, that sum is the maximum amount which the Treasurer of State is authorized to borrow, and the Governor and Council authorized to spend. The heading of Section 1 should probably be changed. You will note that the heading is 'Bond issue for military expenses', but nowhere in that section is anything said about bonds. It is simply an authorization for the treasurer to borrow. Section 2 provides for the bonds and all the way through the act the words 'for the purposes set forth in this act' are used, and I do not believe that the act would ever be interpreted as providing for the raising and expenditure of any sums in excess of the \$2,000,000. In other words, Section 1 authorizes the expenditure of this sum and gives the Treasurer of State authority to borrow it, and Section 2 is authority to issue bonds for that amount."

The SPEAKER: The question is on the adoption of Senate Amendment "A". Is the House ready for

the question? All those in favor of the adoption of Senate Amendment "A" will say aye; those opposed no.

A viva voce vote being taken, Senate Amendment "A" was adopted in concurrence.

Under further suspension of the rules the Bill as amended by Senate Amendment "A" was given its third reading, and passed to be engrossed in concurrence without reference to a Committee.

From the Senate: Bill "An Act Providing for the Custody of Federal Funds for Vocational Training" (S. P. 758) (L. D. 1250).

Comes from the Senate with the Bill given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House: The rules were suspended and the Bill was given its three several readings and passed to be engrossed in concurrence, without reference to a Committee.

From the Senate: Resolve providing for Additional State Police Facilities (S. P. 761) (L. D. 1249)

Comes from the Senate, referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

From the Senate: Resolve in favor of the State Highway Planning Survey (S. P. 762)

Comes from the Senate, referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

On motion by Mr. Varney of Berwick,

Adjourned until nine o'clock tomorrow morning, E. S. T.