

MAINE STATE LEGISLATURE

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Legislative Record

SECOND SPECIAL SESSION

JUNE 26, 1940

HOUSE

Thursday, June 27, 1940.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

From the Senate: The following Order:

ORDERED, the House concurring, that there be paid to the members, officers and chaplains of the Senate and House of Representatives, for attendance and mileage at this special session of the Legislature, the amount stated opposite their respective names on payroll lists certified to the State Controller by the Secretary of the Senate and the Clerk of the House respectively and bearing the approval of the Committee on Appropriations and Financial Affairs.

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

In the House, read and passed in concurrence.

The SPEAKER: The Chair is expecting enactors from the Engrossing Department shortly. These are emergency measures and require the presence of every member. The House may be at ease.

House at Ease

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that the following members be excused from attendance today because of important business: Mr. Marshall of Auburn, Mr. Paul of Portland, and Mr. Jewett of Ripley.

Passed to be Enacted (Emergency Measure)

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

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 stand in their places until counted

and the Monitors will make and return the count.

A division being had, One hundred and sixteen voting in the affirmative and none in the negative, 116 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted.

Passed to be Enacted (Emergency Measure)

An Act Authorizing a Bond Issue for Military Expenses (S. P. 757) (L. D. 1247)

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 stand in their places until counted and the Monitors will make and return the count.

Mr. LaFLEUR of Portland: Mr. Speaker, may I ask what Bill the House is considering?

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

Mr. LaFLEUR: Mr. Speaker, I ask for a yea and nay vote.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, asks that the vote be taken by the yeas and nays. The yeas and nays are ordered when one-fifth of the members present signify their assent. 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 of the House was had.

The SPEAKER: More than one-fifth of the members having arisen, the roll call is ordered. The question is on the passage to be enacted of S. P. 757, L. D. 1247, Bill "An Act Authorizing a Bond Issue for Military Expenses." All those in favor of the passage of the Bill to be enacted will answer yes when their names are called; those opposed will answer no. The Clerk will call the roll.

YEA—Arzonlco, Ayotte, Babin, Bacon, Batchelder, Bates, Belanger, Bird, Bolduc, Bragdon, Brown, Caribou, Brown, Corinna; Brown, Eagle Lake; Bubar, Burbank, Burgess, Limestone; Butler, Buzzell, Churchill, Cleaves, Cook, Cowan, Crockett, Cushing, Davis, Dean, DeBeck, Dennison, Donahue, Dorrance, Douglass, Dow, Norway; Downs, Dwinal, Eddy, Ellis, Em-

ery, Everett, Farwell, Fernald, Fogg, Ford, Fowles, Good, Goss, Grua, Hall, Hanold, Haskell, Hawes, Hildreth, Hinckley, Hinman, Hodgkins, Holden, Holman, Howes, Hussey, Jordan, LaFleur, Lambert, Larrabee, Latno, Leveque, Lord, Luro, MacNichol, Mahon, McGillicuddy, McGlauffin, McNamara, Melanson, Mercier, Merrifield, Meserve, Miller Murchie, Norwood, Noyes, Palmeter, Payson, Peakes, Pelletier, Plummer, Porell, Poulin, Rumford; Poulin, Waterville; Pratt, Preble, Race, Richardson, Robbins, Robie, Robinson, Bingham; Robinson, Peru; Robinson, S. Portland; Shesong, Sleeper, Slosberg, Smith, Thomaston; Smith, Westbrook; Snow, Dover-Foxcroft; Snow, Hermon; Stacy, Starrett, Stevens, Stilphen, Sylvia, Tardif, Thompson, Townsend, Varney, Viollette, Walker, Wallace, Weed, Weatherbee, Welch, Whitney, Williams, Winslow, Winter, Worth, Young, Acton.

ABSENT—Barter, Chandler, Clough, Dorsey, Dow, Elliot, Dow, Kennebunkport; Erswell, Jewett, Keene, Labbee, Marshall, Maxim, Mills, Otto, Paul, Pike, Lubec; Ramsdell.

Yes, 124; No, 0; Absent, 17.

The **SPEAKER**: One hundred and twenty-four having voted in the affirmative and none in the negative, with seventeen absent, the Bill is passed to be enacted.

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

Mr. **VARNEY**: Mr. Speaker, by way of explanation, it is apparent now that there will be nothing further that the House can act upon until after the Bills have returned from the Engrossing Department, and that will probably be sometime the early part of the afternoon, and until after the Committee on Ways and Bridges have held their hearing on the Bill which has been referred to them and have reported back to the Senate and that report comes over to this body. I now therefore move that the House recess until one o'clock, standard time, two o'clock daylight saving time.

The motion prevailed and the House so recessed.

After Recess—2:35 P. M.

Called to order by the Speaker.

Passed to Be Enacted (Emergency Measure)

An Act Providing for Improvement in Military Preparedness (S. P. 756) (L. D. 1246)

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 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 seventeen having voted in the affirmative and none in the negative, 117 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted.

House at Ease

4:45 P. M.

The House was called to order by the Speaker.

Paper from the Senate, out of order.

Majority Report of the Committee on Ways and Bridges on Resolve in favor of the State Highway Planning Survey, (S. P. 762) (L. D. 1251) reporting that it "Ought to pass in new draft" (S. P. 766) and signed by the following members of the Committee:

Senators:

FRIEND of Somerset
DORR of Oxford

Representatives:

STILPHEN of Dresden
HUSSEY of Windsor
DAVIS of Brownville
BURGESS of Limestone
HAWES of Vassalboro

Minority Report of the same Committee upon the same Resolve reporting that the same "Ought not to pass." The report was signed by

Representatives:

GOSS of Poland
DENNISON of East Machias.

The two reports come from the Senate, in that body the majority report, "Ought to pass in new draft" read and accepted and the New Draft passed to be engrossed.

In the House:

Mr. **GOSS** of Poland: Mr. Speaker, I move the acceptance of the Minority Report, "Ought not to pass," and in support of my motion, may I say that I was a member of the Legislature when the Highway Planning Survey was first started. The Highway Planning Survey has been in operation approximately three years, and there has been ex-

pended funds to the extent of \$340,000, and as yet there is not a complete report available. I merely set these particular issues forth that were presented at the hearing this forenoon as many of you did not have the opportunity to hear them and I am presenting them for your consideration. Of the 1940 appropriation for this department, the total amount has been expended in one-half the allotted time and, beginning next week I believe, there are no funds to continue the department. They are asking us now to appropriate \$20,000 to continue the work. It was brought out at the hearing that a request was made of the Governor and Council to designate or reallocate funds for this purpose and the request was denied. This request was made quite recently, and to tell you exactly, it was only a few days ago. If we grant this money, we are promised by January 1st, 1941, only a partial report and not a complete report. If we turn it down, may I say the Governor and Council still have the authority to allocate funds for this purpose. As I understand it, it has been done in times past. May I also say that the material so far secured; in my personal opinion, is not lost, as I understand it is a matter of permanent record and will be available if a future Legislature decides to carry the work on. And, in closing, may I say simply this: That my personal opinion is that the purpose of this special emergency session of this Legislature is for military defense.

Mr. BURGESS of Limestone: Mr. Speaker, as one of the signers of the Majority Report, I rise at this time to present to this House what I believe and what every person who signed the Majority Report believed was the true situation regarding this particular Bill.

In my humble way, I would like to compare the Highway Planning Survey to the procedure which I think every one of you in the House would adopt if you were doing a business of twelve million dollars a year. If we were to construct a factory, you would probably first have an engineer draw blue-prints and make plans for the best construction of that building that that engineer would know how to make. Three years ago, I believe, the Maine Legislature took upon itself the program of making a highway survey with the definite purpose in mind of

finding out the facts relative to the traffic of the State of Maine in order that the approximately twelve million dollars of highway funds could be more wisely expended and expended in more appropriate places. The result has been this: That during the time in which the Highway Survey has been carried on they have compiled a great deal of data which your highway officials and everyone connected with it, I am sure, will agree is of great value to the Highway Department and to the people of the State of Maine. That data, the field data, has all been taken and it is in the office now and needs only to be compiled, and I ask you members of the House if in your wisdom, after expending what the Legislature in the past has believed to be for a wise purpose, if after having expended \$340,000, and after having gathered the data ready to be compiled, if we want to see that data left uncompiled so that it will be of no value to the State.

Now the Good Roads Association of Maine are back of this particular measure, believing in their wisdom that it is for the best interest to complete the survey as quickly as possible. The Maine Automobile Association is behind this particular measure, believing in good roads. I have here a wire, a telegram, received today by the Chairman of the Committee on Ways and Bridges from the Maine Automobile Association which I would like to read at this time.

"To Francis H. Friend, Chairman Ways and Bridges Committee. We urge authorization of proposed appropriations to complete State Highway Planning Survey. This work involves certain relations under Federal requirements and irrespective of some question regarding its entire necessity from the State standpoint is so nearly completed that the whole project should not now be left incomplete and thus jeopardize Federal approval. Much lasting information has been obtained from this survey of value not only to economical highway improvement and to general transportation and industry but to a new condition requiring certain military considerations as well. We repeat the small sum now required to complete the work should not be denied at this juncture." That is signed by the Maine Automobile Association.

It is generally known that in the

past the Highway Department has had to go ahead with a highway program as best they could without the necessary information relative to traffic and the needs for certain bridges. In view of the needs of improvements to highways and bridges for military purposes, I believe it would be unwise at this time for this Legislature to hold up, because of lack of funds, the completion of this important work. Therefore, Mr. Speaker, I hope that the motion of the gentleman from Poland, Mr. Goss., does not prevail.

Mr. HINCKLEY of South Portland: Mr. Speaker, in order to vote on this Bill intelligently, I think we ought to know what the New Draft calls for. If it is available, I wish it might be read. I do not know how to vote unless I know what the New Draft calls for.

Mr. BURGESS: Mr. Speaker, might I say that the New Draft is the same as the original with the exception that the amount has been reduced to \$16,000, which we understand is the recommendation of the Highway officials as being the smallest amount with which this work can be completed in order to give to the next Legislature a report.

Mr. MURCHIE of Calais: Mr. Speaker, may I ask a question through the Chair of the gentleman from Limestone (Mr. Burgess)?

The SPEAKER: The gentleman may ask his question.

Mr. MURCHIE: Mr. Speaker, do I understand from the remarks of the gentleman from Limestone, Mr. Burgess, that this \$16,000 is going to complete the so-called Highway Planning Survey?

The SPEAKER: The gentleman may answer if he chooses.

Mr. BURGESS: Mr. Speaker, it means, it is my understanding, that the \$16,000 will completely compile the data now on hand. Under a Federal ruling which applies after July 1st, 1940, 1½% of the Federal funds may be withheld by the Federal Government if not used to continue the Federal or State survey. I am assuming that it will be cared for in that manner and that this sum now asked for will completely compile the data available and on hand.

Mr. MURCHIE: Mr. Speaker, may I ask a question? If I felt sure that the \$16,000 would complete the survey, but as I understand it, it only means completing compiling the data already gathered. First, the Legislature probably does not un-

derstand where the 1½% comes in. It is 1½% of the money the State of Maine appropriates, which is matched by the Federal fund. There is about \$15,000 that goes for this purpose from the Federal Government each year. I was one of those picked by the previous Legislature to go on this so-called Commission pertaining to this examination. I have never been able to get a report and so far as I am concerned I am opposed to this measure and will go along with the Minority Report.

Mr. HINCKLEY: Mr. Speaker, I may be in error on this thing, but I attended the hearing this morning and I heard two men who appeared before the Committee on this matter. One of them stated that when the next Legislature met if they had this money available they would be able to make a partial report. In other words, they would not be able to make a complete report to the next Legislature even though they had \$20,000 with which to work. They also said they would come back to the next Legislature and ask for an appropriation to continue the work and, if my memory is correct, I understood they would ask for \$25,000 or \$30,000, that money to be matched by an equal amount by the Federal Government. They expected to carry this on for an indefinite period; otherwise the information they have collected is of almost no value. I do not believe it is needed.

Mr. MAXIM of Portland: Mr. Speaker, there are some facts in regard to this situation that do not seem to have been brought out in the debate so far. I attended the hearing this morning and heard the testimony. It seems that the survey, in the opinion of the Chairman of the Commission, is now about 91% completed. As has been stated by the gentleman from Limestone (Mr. Burgess) the cost has been about \$340,000. I will say at the outset that the cost today does seem to be excessive. I cannot help thinking that there has been considerable inefficiency in this Commission or this survey would not have gone to this much money. I say that, however, in spite of a statement made by a Federal representative who was present this morning and who stated that in his opinion, as compared with similar surveys carried on in something like forty-two or forty-five of the

other states, the cost in Maine was very reasonable and compared favorably with the cost in the other states.

Now granting there has been some inefficiency in collecting this data and that the cost has been excessive, it seems as a matter of common business sense that having expended this very large sum to secure this data which, beyond any doubt, is very valuable data, that if we can, by appropriating an additional \$16,000, substantially complete the work and get a working report, as the Chairman of the Commission said this morning he would be prepared to deliver to the next regular Legislature, the 90th Legislature I believe, it seems to me we would be penny wise and pound foolish not to appropriate \$16,000 and get the compilation of data already assembled and the recommendations based on that data.

To my mind it is foolish to throw away the results already obtained by the expenditure of \$340,000 in order to save the paltry sum, by comparison, of \$16,000. This working report, as I understand, will substantially summarize all the facts to date, although the Chairman of the Commission did not say it would be as complete or as satisfactory as it would be if he could have more time and more appropriation to fully complete the work.

I do not think we ought to confuse the two elements in this discussion. This bill only calls for \$16,000 to complete the present work. It has nothing to do with the intention of this Commission as to what it will ask for funds of the next Legislature. I have serious doubts whether the next Legislature will appropriate money to carry on this work unless it can be shown that with a small force and a very small expense the work can be completed, but that is something that is purely up to the next Legislature and not up to us.

I personally am very much in favor under the circumstances of salvaging all we can of the money and the effort so far spent by appropriating this comparatively small amount of expenditure. I do not want to stress again the military aspects of this survey. I am not able at the moment, not having personally talked with the Highway Department, to ascertain to just what extent the material contained in the mass of facts already establish-

ed and recorded may duplicate or supplement facts already in the possession of the Highway Department. To my mind, however, we must not, in view of this very dangerous international situation, be blind to the necessity, as I regard it the imminent and immediate necessity of completing whatever roads and bridges may be necessary, or strengthening these bridges which are not now strong enough to carry military equipment of modern size and weight.

At this point a message was received from the Senate, through its Secretary, as follows:

Secretary BROWN: Mr. Speaker, I have the honor to bear a message from the Senate, addressed to this Honorable House, proposing a Convention of both branches of the Legislature, to be held this evening at six o'clock standard time for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

The SPEAKER: The gentleman from Portland (Mr. Maxim) has the floor.

Mr. MAXIM (Continuing) Mr. Speaker, I am just going to take another minute in regard to this military situation. Undoubtedly, on some of our improved roads, Route 1, and whatever route leads from Bangor to Aroostook County, there are some bridges which are not heavy enough to carry the loads which would be imposed upon them by tanks to be built which weigh eighty or more tons and are to be transported across them, or if heavy guns which would be needed in military operations in this State were to be carried across them. It seems to me any information along this line in regard to bridges is most vital in this dangerous international situation.

It also occurs to me that there may be several stretches of road running into an unknown amount of mileage which may need to be rebuilt or improved with an eye to the use of these roads later for military purposes. With this in view, therefore, in addition to the desirability of having a report on the results already accomplished by the Commission, I hope that the money may be appropriated, and that the motion of the gentleman from

Poland, Mr. Goss, that the Minority Report be accepted, will not prevail.

Mr. COWAN of Portland: Mr. Speaker, I do not like these mysterious appropriations for indefinite things we do not really know about, and I was wondering what this Highway Planning Survey Board might be doing. But I do see now that we have a very substantial investment in the work already done, and it seems apparent that if I followed my formerly conceived course of voting against this measure, I might be doing the State an irreparable injury, and I believe, in spite of my respect for the gentleman from Poland (Mr. Goss) that we ought to pass it.

Mr. ELLIS of Fairfield: Mr. Speaker, this Bill was presented at this session and referred to the committee, and it seems to me as if it might have been brought before us before this late date today. It does not seem to me necessary that we should pass this without due consideration and information, and it seems as if it might be put off until we meet again, that we might have more information in regard to it. And it does not seem to me either that our defense program calls for immediate consideration of this Bill, and, for those reasons, I shall vote for the Minority Report.

Mr. GOOD of Monticello: Mr. Speaker, I was at the hearing this morning and I listened attentively to what was said there in regard to this Planning Survey. As I got the trend of things, it would be not a complete report January 1st.; but it would be what he calls, as I understood it, a working report. In other words, they would be able to convey to the people some facts they had found.

Of course it is a terrible thing to spend \$350,000 and then throw it away and not get anything for it. As I understood it this morning, it would not be of any use to any great extent unless we raised some more money.

I am wondering what our engineers of the Highway Department have been doing if they do not know whether these bridges are perfectly adequate to carry loads, and I am wondering if this Planning Survey has any engineers so they know themselves what the roads are going to carry. If the engineering force of the Highway Department does not know how much it is going to take to make the roads adequate

to carry guns and tanks, if we ever need them, I am wondering whether this Planning Survey knows.

Sixteen thousand dollars is not a great deal of money, but how long can we take from the Highway Department and then have any money to build highways with? I feel that if the engineering department is incapable of telling us these things, that we had better examine and find out and get somebody to do that. We have men every year all over the State of Maine laying out roads and surveying, coming in and making plans, and all winter they draw plans and tell us what is going to be done. As I understand it, the Planning Survey tabulates the traffic, how much traffic and where the traffic is going. For my part, I am going to vote for the Minority Report on this Bill.

Mr. BIRD of Rockland: Mr. Speaker, I move that the Bill be indefinitely postponed.

The SPEAKER: The gentleman from Poland, Mr. Goss, moves the acceptance of the Minority Report, "Ought not to pass" in non-concurrence. The gentleman from Rockland, Mr. Bird, now moves that the two reports and the accompanying Bill be indefinitely postponed.

Mr. BURGESS: Mr. Speaker, I feel certain that those of us who have spoken here in favor of the appropriation of this money have been unable to fully explain the purposes of the Highway Planning Survey to a point where we have been able to sell it to the members of this House, and I want to attempt once more to explain what I believe to be the needs for the survey in the beginning and for its continuance now. The Highway Department or the funds of the Highway Department, as probably all of you are familiar, are set up under different headings, such as State Aid, Third Class, and Snow Removal, and our Federal funds which consist of the State appropriation matched by the Federal Government, go through a very unique handling before they are allocated to the jobs to be constructed. I want to outline that method just briefly.

At the present time it is not a law, but it is a precedent, that Federal money is allotted to the counties on four factors: Road mileage, valuation, automobile registration fees and I do not remember the fourth but it is in line with automobiles

and income from it. Those funds are allotted in that manner to the counties and your members of the Council allot those funds to the road which they want constructed. I believe oftentimes money belonging to the Highway Department has been expended in the wrong place. The survey such as has been carried on will furnish information as to where the greatest need is for the expenditure of this money. I hope that you will give this matter serious consideration and I hope that you will not throw away the work, however inefficiently it may have been done, I hope you will not throw away what has been accomplished, and that you will appropriate the money necessary to present before the State of Maine and the Legislature the facts pertaining as to needs of where the money should be expended in order to bring the greatest benefit to the people and to the State.

Mr. DOWNS of Rome: Mr. Speaker, I heartily agree with the gentleman from Fairfield, Mr. Ellis. I believe it is an inopportune time to consider this. I understood this special session was called to consider emergency measures, and no arguments arose at all over the appropriating of two million dollars. I believe it was amply warranted. This is for only \$16,000 it is true but we have not had an opportunity in this short time allotted to us to familiarize ourselves with the various phases of this issue. I believe that the point has been raised that information might be lacking. In other words, we might not be able to get information relative to the condition of certain bridges or roads. I believe that that information can be figured in the Highway Department. I feel this is not the time to take up legislation of this kind. Perhaps if we had more time and could consider it more carefully, we might feel this was the proper thing to do. I believe this session was called to consider emergency matters only and I do not think this is an emergency matter. I am sorry to differ with the gentleman from Limestone (Mr. Burgess) but I believe we should consider carefully at this time the expenditure of money. We do not know how soon that we may be called back and be obliged to appropriate two million dollars more. I believe it is the duty of every member of this House to con-

serve as carefully as possible and not vote to appropriate and spend any money at the present time which is not absolutely necessary.

I do not understand that the material which has been gathered will be lost. It is a matter of record and at some date in the future it may be compiled and then we may be better able to judge whether we want to continue with this special piece of work. I hope that the motion of the gentleman from Rockland (Mr. Bird) will prevail.

Mr. DENNISON of East Machias: Mr. Speaker, we have spent \$340,000 and have received nothing. All these reports are on file and nothing will be lost if we do not pass it. We are asked to put \$16,000 more into the hopper to keep the Commission at work until the next Legislature. Then they promise a partial report only. They tell us they will be back for \$50,000 more. The State's part will be one-half of that. Nothing will be lost by accepting the Minority Report. The gentleman from Rockland, Mr. Bird, has moved for indefinite postponement and I second that motion.

Mr. MAXIM: Mr. Speaker, I find myself in disagreement with the last speaker in the matter of what will be lost if the work does not go on. The nature of the work is such that you cannot go out and hire people who are familiar with the data already compiled and finish compiling it. The personnel of the Commission had to be trained to do this work. The data as I understand it is in such a condition that if you had to bring in a new personnel and train them to even interpret and compile the data and make recommendations it would be a difficult task. As a matter of common prudence, we should not drop day after tomorrow this entire crew with the thought that we can later get together another crew six months from now who can pick up where they left off. The loss to this State will be far greater than the \$16,000 called for in this Bill. I therefore hope that the motion made by the gentleman from Rockland (Mr. Bird) for indefinite postponement will not prevail.

Mr. LAFLEUR of Portland: Mr. Speaker, I would like to make an inquiry through the Chair if any lady or gentleman can answer why the Governor and Council turned down this request?

Mr. WILLIAMS of Bethel: Mr.

Speaker, I do not know as I can answer the question, but I will say this: The members who were before the Committee stated that they did not know why it was turned down.

Mr. LEVEQUE of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Levesque, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the affirmative vote of one-fifth of the members present. All those in favor of the Chair entertaining the motion for the previous question 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: Obviously more than one-fifth of the members having arisen, the previous question is ordered.

The question before the House is, shall the main question be put now? Debate is limited to whether the main question shall be put now. All those in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Bird, that the two reports of the Committee on Ways and Bridges, and accompanying Bill, be indefinitely postponed. All those in favor of the indefinite postponement of the two reports and the Bill will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the two reports, together with the Bill, were indefinitely postponed in non-concurrence, and sent up for concurrence.

Mr. VARNEY of Berwick: Mr. Speaker, out of order I present an Order and move its passage.

The SPEAKER: The gentleman from Berwick, Mr. Varney, presents an Order out of order and moves its passage.

The Chair understands that the gentleman from Berwick, Mr. Varney, moves that the House refuse to concur with the Senate in the proposal of the Senate for a Joint Convention. Is this the pleasure of the House?

The motion prevailed and the Clerk was charged with conveying a message to the Senate to that effect.

The SPEAKER: The Clerk will read the Order.

ORDERED, that a message be sent to the Senate proposing a Joint Convention to be held in the hall of the House this evening at seven o'clock, standard time, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

The Order received passage and the Clerk was designated to transmit it to the Senate forthwith.

The SPEAKER: The House is proceeding under additional Senate papers, out of order.

From the Senate: Bill "An Act Amending the Unemployment Compensation Law Relating to Unemployment Compensation Fund" (H. P. 2273) (L. D. 1248), which Bill was passed to be engrossed in the House yesterday and now comes from the Senate amended by Senate Amendment "A" and passed to be engrossed as so amended in non-concurrence.

In the House, Senate Amendment "A" read by the Clerk.

Thereupon, the House voted to recede from its former action whereby this Bill was passed to be engrossed and concurred with the Senate in the adoption of Senate Amendment "A."

The Bill was then passed to be engrossed as amended in concurrence.

At this point the Clerk reported that he had delivered the two messages with which he was charged.

A message was then received from the Senate, through its Secretary, as follows:

Secretary BROWN: Mr. Speaker, I have the honor, Sir, to bear a message from the Senate, addressed to this honorable House, whereby the Senate joins in the recent proposition of the House for a Joint Convention to be held in the hall of the House at seven o'clock, standard time. (Applause)

The SPEAKER: The Chair hears the message and thanks the Secretary.

On motion by Mr. Varney of Berwick.

Recessed until seven o'clock this evening, standard time.

Evening Session, 7:20 P. M.

The Speaker in the Chair.

The SPEAKER: The House is proceeding under Enactors.

Passed to be Enacted (Emergency Measure)

An Act Amending the Unemployment Compensation Law Relating to the Unemployment Compensation Fund (H. P. 2273) (L. D. 1248)

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.

At this point the Senate entered the hall, amid the applause of the House, the members rising, and a Joint Convention was formed.

In Convention

The President of the Senate in the Chair.

On motion by Senator Hill of Cumberland, it was

ORDERED, that a committee be appointed to wait upon the honorable Lewis O. Barrows, Governor, and inform him that the two branches of the Legislature are in convention assembled in the hall of the House of Representatives and extend to him an invitation to attend the convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that committee on the part of the Senate:

Senators Hill of Cumberland, Kennedy of Hancock, Cony of Kennebec.

And on the part of the House: Representatives Hanold of Standish, Churchill of Brewer, Larrabee of West Bath, Keene of Clinton, Robinson of Peru, Lord of Brunswick.

Subsequently Senator Hill, for the committee, reported that the committee had discharged the duty assigned to it and that the Governor was pleased to say that he would attend forthwith.

Thereupon, the Honorable Lewis O. Barrows, accompanied by his

secretary, entered the hall of the House and proceeded to the rostrum, amid the applause of the Convention, the members rising.

The CHAIRMAN: Members of the Convention, His Excellency, the Governor.

GOVERNOR BARROWS: Mr. President and members of the Eighty-ninth Legislature: I believe I appreciate fully the fact that one precedent possibly was established, at least during my administration, on the morning of the 26th on the occasion of the assembly of this Legislature in special session by my sending in and transmitting a message instead of bringing it to you personally.

I did that for one purpose and one purpose alone, and that was in trying to expedite, so far as possible, your deliberations. Now, on this occasion it is as novel a procedure for me to ask for the privilege of addressing you, in the closing days of your session, when I know that you have labored sincerely for what you believe to be for the welfare of the State of Maine.

I would not have adopted this course but for one reason and that is I feel so keenly and so deeply that if I am correctly informed there is the possibility of this present session shortly adjourning with, I believe, part of your duty unfulfilled.

The statement should be made at the very outset—and I know you will believe me when I say that I do not regard any matter of legislation in the category of "must" legislation—but I do feel very keenly, in one instance at least, inasmuch as you were assembled for the announced purpose at least of considering plans for national defense and the improvement of military facilities as well as any legislation designed to promote the welfare of the State of Maine, or in other words I interpret that to mean not only common defense but also of State and Nation. And my particular reference on his occasion—and I desire to be brief and nevertheless as sincere as I possibly can—is with reference to Legislative Document 1249, a Resolve for Additional State Police Facilities.

At the present time, as so many of you are fully aware, the present State Police force consists of 102 people. That is subdivided as follows: One chief, nine commissioned officers, ten sergeants, one safety

sergeant who is a sergeant in charge of safety activities, ten desk men, one identification officer, one chauffeur and sixty-five patrol men. In addition to that there are eight members on detached service in the office of Secretary of State, one in the Department of Insurance and two in the Department of Public Utilities.

Now it occurs to me, and I think it is very plain to each and every one of you in view of the fact that during the past two years there has been a curtailment in the present force by resignations, retirements or withdrawals of six men, and in the event of mobilization—and in my judgment it is not far off—in the event of mobilization there will be six men immediately called, further depleting the staff, and there are additional men in the reserve force that may later be called to the colors.

Now it seems to me it must be perfectly apparent in that situation the necessity of adequate protection here at home. You have already, and I commend you for it, provided for a bond issue of two million dollars because in the emergency preamble you outlined among other things that the State had not prepared for minimum essential peace time National Guard provisions and properly housed property, training troops, etc., in order to cooperate effectively with any Federal plans and coincident with that measure, another provided that on account of world conditions it plainly showed the need for immediate preparedness for national defense and I think it might have properly added to it State protection as well. It occurs to me it would be very plain to consider as well that the State Police Department, as it is now constituted, is called upon to fill a variety of police duties, not only for the purpose of replacing the sheriffs or the city or town police but to augment the duties they are called upon to meet. I know a resolve has been presented for proper committee consideration, and that resolve called for \$100,000. That was further subdivided into five or six subdivisions, radio, additional men and equipment, \$25,000, \$15,000 for radio, the general investigation expense and equipment that is inevitably bound to be necessary, \$10,000, and deficiency in the present appropriation of \$10,000, and also a request

for \$15,000 for barracks at Bangor and \$25,000 for barracks headquarters here in Augusta. In that connection it is well to point out what I know the majority of you are fully aware of at the present time. The matter of communication has long been a matter of urgent necessity with the State Police department. On many occasions we solicited bids and invited all the information we could get and from any commercial source that we were aware of, the cost of installation for the State Police department for radio was approximately \$85,000, or prohibitive. Through the efforts or cooperation of the N. Y. A. at Quoddy, the State was enabled to take on a radio program at approximately two thirds the cost that otherwise would have been possible, or to be exact, the State bought on competitive bids the necessary equipment in order to build the sets and the N. Y. A. at Quoddy assembled the sets and equipped the cars.

In order to begin that sort of a program, by an appropriation from the contingent fund by action of the Governor and Council, the sum of \$8000 was made available, and with that amount of money the district barracks at Thomaston was equipped and also at Wells, and a total of fifteen cars with two-way communication will be ready for operation in a very few weeks. In addition to that is the desire, in order to make this department more effective, to equip also additional cars, approximately twenty-five in number, and also to establish radio communications here at the headquarters in Augusta. There can be no question but what the present headquarters offices over here in the old Adjutant General's building are far inadequate when you realize that there is no privacy possible in any way for any conferences or any questioning or that sort of thing that necessarily will follow.

In addition to that, it seems impossible to even consider the erection of a building on the so-called Muster Field, Camp Keyes, because of the menace that radio towers two hundred feet high would be to present aviation demands and the requirements that anyone can easily anticipate in the future, and it seems inexpedient to even attempt to operate radio communication by remote control here in Augusta or the headquarters building; and of course you can appreciate the fact

that while telephone communication is of some advantage, it is impossible to locate cars on patrol under any other conditions except by the use of radio. It furthermore is plainly apparent that with the number of men, or the number that will be decreased from the present force, the necessity of adding and training and equipping men as quickly as possible.

It costs at the present time approximately \$2500 a year in order to equip and to pay for the maintenance of a single police officer, and I think you would agree with me that it is as essential, in order to maintain the type of force that is a credit to the State of Maine, to have adequate training, exactly as it is to any member of the National Guard or to any man entering the aviation service.

Now you will realize that the State Police at present are inadequately equipped when I tell you that each officer has merely a thirty-eight calibre revolver, and none of them have over fifty rounds of ammunition. They have a normal supply of gas equipment, but they are not equipped with any gas masks when they are using this type of equipment; and you can appreciate the fact that in the investigation of all subversive elements—my office probably receives five or six a day, and the majority of them probably are imaginary and not real, but, nevertheless they all require some investigation. On top of that is the fact that to comply with the law in the Secretary of State's Department when examinations are given to all those who are applying for operators' licenses, it takes a varying number of State Police to augment the staff that are already assigned to that division, in some instances, and only last week, when examinations were held in Portland, it was necessary to augment that staff by twelve members that otherwise and ordinarily are carrying on State Police or patrol work. It seems to me there can be no question of the necessity of augmenting this particular department if we really and truly want to do a complete job so far as defense of the State of Maine is concerned.

You realize also the many demands that are made on the State Police Department in the event of drowning accidents, and that at the present time there are no available boats that belong to this department, and there is no grappling

equipment except what is owned in a limited way privately by some of the individual members of the department. I believe that it would be highly desirable to have at least one boat and grappling equipment in each of the districts, and to have that boat all ready, mounted on a trailer, available and ready to go when a call comes in. In other words, I believe that the State Police Department should be the acme of efficiency insofar as possible of all of the various other police departments.

Now the reason that this request was submitted entirely out of the Highway funds is, as you know, at the present time the entire amount of money necessary to maintain this department, \$290,000 for the present year, comes entirely from Highway funds. Now if it may be argued that a pro rata of that amount should come from the General Highway fund, because not all of the work that this division does is strictly and truly patrolling the highways and enforcing motor vehicle regulations, then it is entirely for you and you alone to say. I believe that while it might possibly be in the nature of a compromise to say that at the present time that even though the request has emanated from the military authorities in relation to the armory at Bangor where at the present time the State Police headquarters is installed, an absolute minimum of \$85,000 is not too much to ask this Legislature under present conditions to appropriate. I realize, of course, that it is wholly and entirely within the province of the members of this Legislature, and it may as well be admitted that with a determination to conclude your activities tonight you may well feel there is little time to give further consideration to this, to me the most important adjunct of any of our defense plans and appropriations. However that may be and whatever your answer may be, I would feel that I had been remiss in my duty if I had not said to you as sincerely and as emphatically as I could: In my judgment, if you adjourn tonight and leave this for some future date and consideration, you will have done so not fulfilling your full duty.

Now I have worked along with the members of this Legislature on a great many occasions, and I have the utmost respect for each and every member here, so I am confident that if it does have your mature

consideration, staying here rather late this evening, or with a determination to come back tomorrow, if necessary, if that is your answer, I have done my part and you have returned your statement to the people of Maine that the time is not now that there is no imminent danger now, and never mind if the call for mobilization does come, we will continue this department on a curtailed basis. That is your answer. But knowing you as I think I do and as I believe I do, and the confidence I have from all the people of Maine, I am determined that when you are convinced that the necessity does confront you, this action is sure to follow.

Members of the Eighty-ninth Legislature, I hope you may give this serious consideration, and I am confident of the result if you do. I am grateful for what will probably be the last time I will have an occasion to appear before you in person, and my sincerest wishes will attend your journeys back home, which I hope will not be until you have fully and adequately done your job. (Applause, the members rising)

Governor Barrows, accompanied by his Secretary, then retired, amid the applause of the Convention, the members rising.

The CHAIRMAN: The purposes for which this Convention was assembled now having been accomplished, I declare the Convention dissolved. The Senate will return to its chamber.

Thereupon, the Senate retired, amid the applause of the House, the members rising.

In the House

Called to order by the Speaker.

The SPEAKER: The question before the House is on the passage to be enacted of Legislative Document 1248, Bill "An Act Amending the Unemployment Compensation Law Relating to the Unemployment Compensation Fund (H. P. 2273)

This is an emergency measure, and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of the 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 eleven voting in the affirmative and none in the neg-

ative, 111 being more than two-thirds of the entire elected membership, the Bill was passed to be enacted.

Order

(Out of order)

On motion by Mr. Varney of Berwick, it was

ORDERED, that the Clerk of the House be directed to send flowers to Mr. Barter of Stonington, and express to him the hope of the members of the House for a speedy recovery.

The SPEAKER: The Chair will direct the Clerk to enter in the Journal and the Record the presence of the gentleman from Fort Kent, Mr. Labbee.

If there is no further business to come before the House, the House may be at ease pending receipt of papers from the Senate.

House at Ease

9:30 P. M.

Called to order by the Speaker.

Paper from the Senate

(Out of order and under suspension of the rules)

From the Senate: Report of the Committee on Ways and Bridges on Resolve Providing for Additional State Police Facilities (S. P. 761) (L. D. 1249) reporting same in a New Draft (S. P. 765) under same title and that it "Ought to pass."

Comes from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

In the House:

Mr. BURGESS of Limestone: Mr. Speaker, the redraft on this measure calls for an appropriation of \$40,000. You can readily see that it has been cut down from the original measure asking for \$100,000. The Committee has considered this Bill at great length and feel it wise that a start should be made in this direction and, with that in mind, they have recommended \$20,000 for new personnel, to be paid for out of the contingent fund of the State; \$10,000 for equipment and \$10,000 for the setting up of radio service, these two items to be taken from the Highway Account for the reason that they will be permanent fixtures and a permanent service to the State Police. I move, Mr. Speaker, that the report be accepted.

The SPEAKER: The Clerk will read the New Draft.

Resolve Providing for Additional State Police Facilities (S. P. 765)

Emergency preamble. Whereas, the state police need additional personnel and equipment to efficiently perform the duties which will be placed upon them by the present emergency in international affairs; and

Whereas, the present police force is undermanned and underequipped to carry on its present duties; and

Whereas, in case of mobilization the force will be further depleted; and

Whereas, the state police will have many additional duties in the threatening emergency; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Appropriation for state police. **Resolved:** That there be, and hereby is, appropriated the sum of \$40,000 for the fiscal year ending June 30, 1941, to be expended by the chief of the state police as follows: \$20,000 for the enlisting, training and equipping of additional officers; \$10,000 for the continuation and improvement of the radio system; \$10,000 for investigation expenses, the furnishing of equipment and additional training for the force; to be paid as follows: \$20,000 out of the general highway fund and \$20,000 out of the contingent fund.

Emergency clause. In view of the emergency recited in the preamble, this resolve shall take effect when approved.

Mr. BIRD of Rockland: Mr. Speaker, and members of the House, when this Bill first came into the House at \$100,000 I somewhat questioned it, but during the present recess I have satisfied myself that the Bill should pass. I have also satisfied myself that some of the officials of the State cannot perhaps at this time properly disclose some features concerning the State Police. I do know and I have obtained information relative to what is called the Runnells case and I have obtained information as to the time and the achievement that this police force has made. I am frank to say that when that information is dis-

closed that you will be amazed to learn what this police force has done for the State of Maine.

Now while they were making this investigation, I learn that the force was depleted to that extent and I am satisfied in my own mind that the police force should be increased not in a large number but with a certain number because they will cover certain emergencies that may arise. Now I think many members of the House, and I think I was one of them at the time—we must always have in mind the patrolman patrolling along the highway—but when I learn about Lieutenant Shepard and the whole force in the investigations they make concerning major crimes in this State, I am perfectly satisfied in my own mind at the present time that they should have equipment and that they should have opportunity to properly investigate the case. This I am satisfied in my own mind is being aggravated by the present conditions. I trust that the motion to accept the report will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House accept the "Ought to pass in New Draft" report. The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker, I am sorry to disagree with the gentleman from Limestone, Mr. Burgess, and I do not wish to take up too much of your time. I am not satisfied with this Bill in the first place because it has been presented to us with an emergency preamble, and I fail to recognize any of the arguments before the Committee on Ways and Bridges that there is any emergency attached to this Bill. It was freely and frankly admitted in front of the Ways and Bridges Committee this morning that it was not a temporary measure but a permanent measure. If we increase this force at the present time they will come in before the next Legislature asking for more money each and every year. I think this matter was very carefully taken up at the last session of our Legislature, at which time we considered the demands of the State Police Department and granted to them their demands.

Now at this time they come with another measure for more money, hiding it with an emergency clause to the effect that this is a war

measure. I fail yet to see any real argument presented to this House that we are protecting the State of Maine particularly in a defense sense by this Bill at this time. I therefore move the indefinite postponement of the Committee Report and Bill.

Mr. RICHARDSON of Strong: Mr. Speaker and members of the House: I realize that anyone who ventures to oppose any piece of legislation that is proposed or offered for consideration of this Legislature may place himself open to a charge of being unwilling to go along with the problem of National Defense.

We do realize that during the last few weeks we have suddenly sensed the attitude of the press of the State and of any individuals in almost telling this Legislature that they must come to this session and do certain things and say nothing about it insofar as opposition is concerned. I think I can prove that I am just as much in sympathy with an adequate program of National Defense with this State co-operating as any man or woman in this House, but I do object to certain features of this particular Bill.

In the first place, if this is a matter involving National Defense, why was it not a matter to be included in the bond issue which we have already approved? In the second place, the taking of money from the general highway funds of the State always has been and is now entirely foreign to a sound road program.

We hear in the corridors, and we have been told personally that we are facing in the near future the prospect of another bond issue of one, four, five or six million dollars, nobody knows how much, because that has not been pulled out of the bag. Apparently we haven't enough money to carry on the road program of the State, and yet we are asked to dip into that fund for another \$20,000. They tell us that six vacancies have occurred during recent months due to resignations and other causes and it is necessary to have an additional appropriation in order apparently to fill these vacancies. I submit that if the last Legislature met the budget demands of the State in the Police Department there is no reason under existing statutes why those appointments should not be made and why there should not be adequate funds at the

disposal of the Commission if they are not, as a matter of fact, at this moment facing a deficit. We have not been informed on that point. Perhaps the committee has.

I would not be the one to block this legislation if it is absolutely essential for the safety and protection of the people of this State, but we know almost for a certainty under the plans of the Federal government now in the process of being formulated, perhaps nearly formulated, they visualize and are planning to mobilize every community in the State in a program of home defense, and I fail to see why at this particular moment, under the guise of emergency and coming through under this so-called defense plan, that we should take this thing on at this late hour in the session without due consideration.

Again I say, if my vote is needed to pass this thing and I am satisfied it is essential to the welfare and protection of this State, I am certainly going to vote for it. I believe it has been ill-advised, and that if an increased amount of revenue is necessary we ought to have the courage to obtain it without dipping into the Highway fund of the State which is already bogged down because of insufficient revenue.

Mr. COWAN of Portland. Mr. Speaker and members of the House: I recognize the lateness of the hour and I will be very brief. We did have a two million dollar bond issue before us, and I think we were one hundred per cent behind it, thinking it was for a certain definite purpose. We were not all satisfied with the form of the Bill. We were a little bit troubled about some of the provisions and how they might work out, but we got behind it and put it through. Now that was our contribution at the moment in this special session, specially called for that particular purpose, national defense.

Now we have a Bill before us to provide for grappling irons and boats for our State Police to do the work of the sheriffs and the local police officials. Now I cannot follow that. I will say, if I understood the message of His Excellency correctly, there are eight members of our State Highway Police who are attached to the office of the Secretary of State for the purpose of assisting in these collections concerning which we heard so much during the

unfortunate episode of two or three weeks ago, and perhaps if those eight men were taken off the roll of the Secretary of State and put on the highway and put out doing police work, in that way they might be able to perform the function for which they were first employed. It hardly looks to me proper that a very seriously depleted highway fund should be used for the purpose of supplying these officers for the Secretary of State. I do not like "must" legislation; I do not like to have things crammed down my throat. Perhaps I am imagining that this is being crammed down our throat, but I do not like this kind of business, and I very heartily second the motion of the gentleman from Unity, Mr. Farwell.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I had not planned to say anything on this measure, but I want to point out that none of us know how great an emergency we may be facing, and I understand that a part of this money goes for the purpose of investigating the so-called Fifth Column, which may be the greatest menace that now faces us. I, for one, believe that we should take no chances on this matter, but that we should appropriate this money at this time for the purposes named.

The SPEAKER: The question is on the motion of the gentleman from Unity, Mr. Farwell, that the Committee Report and accompanying new draft be indefinitely postponed.

Mr. FARWELL of Unity: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Unity, Mr. Farwell, asks for a division. Is the House ready for the question? All those in favor of the indefinite postponement of the Committee Report and accompanying new draft 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.

Forty voting in the affirmative and 58 in the negative, the motion for indefinite postponement did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the Committee Report, "Ought to pass in new draft" be accepted. Is this the pleasure of the House?

The motion prevailed, and the report of the committee was accepted in concurrence.

On motion of Mr. Burgess of Limestone, the Resolve was given its two several readings and was passed to be engrossed in concurrence.

The SPEAKER: Pending receipt of the Resolve from the Engrossing Department, the House may be at ease.

House at Ease

10:00 P. M.

Called to order by the Speaker.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, July 22nd, 1940, at three o'clock in the afternoon, E. S. T. (S. P. 764)

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

In the House, read and passed in concurrence.

Mr. VARNEY of Berwick: Mr. Speaker, I move that the House now adjourn until Monday, July 22nd, at three o'clock in the afternoon, Eastern Standard Time.

The SPEAKER: All those in favor of the motion for adjournment will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the House adjourned until Monday, July 22nd, at three o'clock in the afternoon, Eastern Standard Time.