

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**

SENATE

Friday, June 7, 1940.

The Senate was called to order by the President.

Prayer by the Reverend Herbert E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

From the House:

Communication from the Executive Department transmitting memorandum in reference to the Federal Aid Highway Program.

(In the Senate on May 29, sent to the House)

Comes from the House read and ordered placed on file.

Which was ordered placed on file in concurrence.

Senate Committee Reports

Miss Laughlin from the Committee on Judiciary on Communication from his Excellency the Governor Relative to "Aid to Dependent Children," (S. P. 746) (L. D. 1241) reported that the same be placed on file.

Which report was read and accepted.

Sent down for concurrence.

Mr. Hill from the Committee on Judiciary on bill "An Act to Correct a Technical Error in the Unfair Sales Act," (S. P. 745) (L. D. 1238) reported that the same ought to pass.

Which report was read and accepted, the bill read once and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Marden from the Committee on Military Affairs on bill "An Act Providing for Improvement in Military Preparedness," (S. P. 730) (L. D. 1230) reported the same in two new drafts,—(S. P. 749) under the title of bill "An Act Authorizing the Issue of Bonds and Notes to Defray Military Expenses," and (S. P. 750) bill "An Act Providing for Improvement in Military Preparedness," and that they ought to pass.

Mr. MARDEN of Kennebec: Mr. President, in support of the motion that the report of the committee be accepted and with a view toward the possibility of saving everyone's time it is thought that those meas-

ures in new draft should be printed before an explanation is attempted to be made. If by doing that we will not inconvenience the legislature as a Body that would be my suggestion. If not I would move that the report be accepted and discuss briefly the new draft at this time.

The PRESIDENT: The bill will be printed under the joint rules after the acceptance of the report.

Thereupon, on motion by Mr. Marden the report was accepted and the bill was laid upon the table for printing under the joint rules.

Mr. Wentworth from 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) reported the same in a new draft (S. P. 747) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill was laid upon the table for printing under the joint rules.

Passed to be Enacted

An Act Relating to the Auditing of the Accounts of the State Liquor Commission. (S. P. 708) (L. D. 1214)

Orders of the Day

On motion by Mr. Wentworth of York, the Senate 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) tabled yesterday by that Senator pending assignment for second reading.

Mr. WENTWORTH of York: I don't remember that the Secretary read that bill but briefly what that means is that it takes away the power of the wardens in the Sea and Shore Fisheries Department for receiving fees for arresting violators of the law. So it puts them right in line with those of other departments.

I now offer Senate Amendment A to that bill and move its adoption. I also offer a supporting petition signed by prominent people including all of the Board of Selectmen of the town of Bar Harbor.

The Secretary read the amendment:

"Senate Amendment A to Bill "An Act Relating to Fees of Wardens of the Department of Sea and Shore Fisheries. (S. P. 736) (L. D. 1232)

Amend said bill by inserting after the title thereof the following:

'Emergency preamble. Whereas, owing to the bounty on seals, many of these mammals are being killed near and upon Green Island in Western Bay in the county of Hancock; and

Whereas, these mammals are left there to decay and owing to their number have created a danger to health and created a public nuisance endangering the summer business in said region; and

Whereas, there is a danger to life because of the promiscuous shooting; and

Whereas, if this act does not take effect immediately there will be a great loss to the summer business of the neighborhood; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXI 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,'

Further amend said bill by adding after the enacting clause, 'Sec. 1.'

Further amend said bill by adding at the end thereof the following:

'Sec. 2. Hunting seals near Green Island, forbidden. It shall be unlawful for any person to hunt, shoot at or kill any seal within 2 miles of any part of Green Island in Western Bay in the county of Hancock.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

Mr. WENTWORTH: Mr. President, after listening to serious matters for three days, this particular matter before us now may not seem so serious but I think it does become a serious matter when seals are shot promiscuously just because a person can get a dollar bounty for the nose and then they are washed ashore, and there is no provision to take care of those seals. It just happens that in this particular locality there are large herds of seals and that is why there are so many shot there, and so many that come ashore. I don't know whether any

of you ever had occasion to smell a dead seal. I wouldn't recommend that you try it. This amendment means just what it says and I hope that the Senate will go along with its passage.

Thereupon, Senate Amendment A was adopted; and on further motion by the same Senator the rules were suspended and the bill given its second reading and passed to be engrossed by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Resolve Providing for a Recess Committee to Study Administration of State Affairs tabled by that Senator on June 5th pending acceptance of the report.

Mr. SPEAR: Mr. President, I move the acceptance of the report.

Mr. HILL: Mr. President, merely for information I would like to inquire from my colleague, Senator Spear whether he would explain wherein the functions of this committee would differ from those of the investigating committee already created. As I recall the order creating the special committee it was given broad powers to investigate all the departments and recommend such resolutions as might be necessary, and simply for information I wonder if the Senator would explain that.

The PRESIDENT: The Senator from Cumberland, Senator Spear, may answer through the Chair if he so desires.

Mr. SPEAR: Mr. President, I have only talked with a few members of the House and of the Senate in regard to this order. Those I talked with seem to think that the proposed committee created under this order, if it is an order, would study the provisions of the Code and would make a more complete investigation as to the good points and the bad points of the Code regardless of personalities and that the Code Committee would have plenty to do to look into the human element and any other matters that citizens or anyone else brought to their attention or that they wanted to look into themselves.

Mr. HILL: I thank the Senator for his explanation. I think that clarifies the situation.

Mr. CHAMBERLAIN of Penobscot: Mr. President, without in any way questioning the judgment of the Senator from Cumberland, Sen-

ator Spear, it seems to me that this order which he has just taken from the table should best be referred to the special legislative committee who are to continue their investigation into all parts of this state administration. And in doing that I should be inclined to believe that they could handle this as well as another committee. In that connection I believe that the members of that committee will take ample time to give serious consideration to the administration of this government and I believe that they could handle this just as well as a special committee to simply go into the matter of the Code. Of course, I do not question the judgment of Senator Spear.

Mr. TOMPKINS of Aroostook: Mr. President and members of the Senate, it is true that under the order for this special committee we have been charged with not only investigating all the departments but also with making such recommendations as we see fit and advisable to promote economy and effective administration of such departments, agencies or commissions, in compliance with the state laws and with avoidance of duplicated functions. Now let us understand that this committee is going to have only a limited time in which to work. We have got to report back to this special session, and as I have assumed, this special session after the business that is now before it is transacted will recess to some future date to give this committee an opportunity to make such investigation as it can in that time.

Now, the committee that is proposed by this bill that is now before us is a committee which will report to the next regular session of the legislature and as far as I am concerned—and I am speaking only for myself and not for the rest of the committee—I think that this bill now before us will be supplementary to what we are charged with but which we, on account of the lack of time, I do not believe will be able to accomplish, so far as recommending bills or addressing bills to be submitted to the next session of this special session.

Miss LAUGHLIN of Cumberland: Mr. President, it seems to me that if the investigating committee does its duty in the way of investigating the various departments of the State and the way they are conducted they will have their hands completely full and the time of the members be entirely taken up and

furthermore I would like to ask for information. Did this order come from the Legal Affairs Committee as a committee?

The PRESIDENT: The Secretary will read history of the resolve.

The SECRETARY: This was a resolve presented in the House by the gentleman from Unity, Mr. Farwell, providing for a research committee to study the administration of state affairs. It was referred by both Bodies to the Committee on Legal Affairs and that committee reported into the House that the resolve ought to pass as amended by Committee Amendment A.

Miss LAUGHLIN: That was my understanding, that this was originally a committee entirely different from the investigating committee and it was left to the Legal Affairs Committee and the Legal Affairs Committee after considering it presented that as an amendment for a recess committee. And it seemed to me that after their due consideration that it seemed to them a wiser and better way and I therefore am very much in favor of the passage of the resolve with the amendment.

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

Thereupon, the report of the Committee was accepted in concurrence and the resolve was given its first reading, Committee Amendment A was read and adopted in concurrence, and under suspension of the rules, the resolve was given its second reading and passed to be engrossed as amended by Committee Amendment A in concurrence.

The PRESIDENT: The Chair will appoint the members of this committee later in the day.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table bill, An Act Amending the Unemployment Compensation Law Relating to Employers' Liability and Coverage (S. P. 717) (L. D. 1222) tabled by that Senator earlier in the session pending assignment for second reading.

Mr. CHAMBERLAIN: Mr. President, Legislative Document 1222 was introduced into the legislature for the purpose of causing the statutes of Maine and their amendments to conform more completely with the Federal law. In order that it may more completely conform I present Senate Amendment A and move its adoption. Senate Amendment A is

for the purpose, or rather it was drawn up by a Federal personage as being somewhat necessary for a more complete conformity with the federal law.

The PRESIDENT: The Senator from Penobscot, Senator Chamberlain presents Senate Amendment A and moves its adoption:

"Senate Amendment A to Legislative Document 1222. Amend said bill by striking out all of Section 2 thereof and inserting in place the following: 'Section 2. P. L., 1935, c. 192, Section 7, (a) (1) amended Sub-section (1) of Sub-section (a) of Section 7 of Chapter 192 of the Public Laws of 1935 as amended is hereby amended to read as follows: (1) On and after January 1, 1936 contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act with respect to wages paid for employment (as defined in Section 19 (g)) accruing during such calendar year and on and after January 1, 1940 contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act with respect to wages paid during each calendar year for employment (as defined in Section 19 (g)). Such contributions shall become due and be paid by each employer to the Commission for the fund in accordance with such regulations as the Commission may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in his employment.'

"And further amend said bill by striking out in the second paragraph of Section 8 thereof the following words: 'Effective January 1, 1940 and thereafter' and by inserting in place thereof 'After the effective date of this Act.'"

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A.

Senate Amendment A was adopted.

Mr. CHAMBERLAIN: Mr. President, I hold in my hand a statute a law of the State of Maine. It is entitled, Maine Unemployment Compensation Commission, as amended to January 31, 1939. It is one if not the only one of all of the laws of the State of Maine that is complex beyond compare. It is difficult to understand it. It is full of verbiage. It would take a Philadelphia

lawyer to really know what it is. I do not know where the words Philadelphia lawyer came from and whether it denotes considerable ability to understand, or whether it denotes the opposite, but it has a certain designation — Philadelphia lawyer—and it would take that kind of attorney to take care of this law. It is not satisfactory to the employer and causes them great expense. It is unsatisfactory to those who employ less than eight. It is unsatisfactory to those who employ more than eight and it is unsatisfactory to those who employ eight. It is unsatisfactory to a large number of employees. The method of return is inadequate and it is slow in coming. It is entirely unsatisfactory. I do not imagine the bill can be changed materially because of the advantage—I think that is the wrong word, there is not much advantage, but I do not think it can be changed because of conformity to the federal law. I think someone, perhaps not necessarily a Philadelphia lawyer, could take this law and make it somewhat simpler than it is. I have been hoping someone would put in an amendment to strike out some of the unnecessary words and make it more simple. I move the bill, Legislative Document No. 1222 be given its second reading.

Miss LAUGHLIN: Mr. President, my impression is that the pending motion is the adoption of Report 'A'.

The PRESIDENT: The Chair will state that the motion is on the suspension of the rules for second reading of the bill.

Miss LAUGHLIN: Mr. President, there were two reports, Report A and Report B. My pending motion, as I recall it, was for the adoption of Report A. First we would have to vote on the accepting of the report before the amendment was in order.

The PRESIDENT: The Chair understands Report A has been accepted. The bill has been read once and Committee Amendment A has been adopted.

Miss LAUGHLIN: Very well, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate that the rules be suspended and the bill be given its second reading as amended by Committee Amendment A and Senate Amendment A?

Mr. BURNS of Aroostook: Mr.

President, due to the complex nature in which this particular matter has been presented to the Senate, I would like to review it slightly. The bill, Legislative Document 1222 which has to do with the Unemployment Compensation law and relating to amendments to that law was referred to the Committee on Judiciary and a hearing was held. At that time the officials representing the Commission, the Unemployment Compensation Commission of the State of Maine appeared in behalf of the bill, which was a bill prepared by them to be consistent with the federal law. At that hearing no one appeared in favor of the bill other than the representatives of the Unemployment Commission of the State of Maine. In opposition to the bill there appeared various representatives of labor organizations and a group from the eastern section of the State, which I, along with others, represented. Inasmuch as there were some features of the bill which were adverse to the business interests of the Eastern section, I was placed in a quandary because I realized the bill had some good features, and was compelled to take a position where I either had to vote against the bill, fully realizing it contained good features and at the same time containing features which were adverse to the Eastern section of the State.

I merely want to go on record as explaining my position to this extent, and in summary, namely the bill as presented has some good features as amended, and also has some bad features, and consequently I felt to be consistent with the position I thought I should take, that there should be submitted Report B, and that Report B is the minority report of the Committee on Judiciary and it was signed by myself and Representative Weatherbee. So I merely want to conclude with the statement that I want to go on record as expressing my stand in connection with this bill.

Miss LAUGHLIN of Cumberland: Mr. President, the original bill, the amendment, which the Senator from Penobscot, Senator Chamberlain, has offered, would conform the law exactly to the federal law. Nobody in this legislature can be more opposed to having our laws made in Washington and for us to accept them, than I am, but we are unfortunately in the position and par-

ticularly in regard to this Unemployment Compensation law where we must accept it. Therefore, this was one of the measures especially taken up in the call for the legislature to make the law conform. One thing in it which hasn't been discussed here which I think is offered in Reports A and B, was the tax on salaries over \$3,000. Because we may have forgotten about it in the days apart, I will mention that Report A reported the acceptance of the bill with the committee amendment. That was signed by eight members of the committee. It differs in one respect, about casual labor, with the federal law, but only in that one respect. There were three who didn't want to make that amendment but as far as the vote went at the time, seven were for it and those three said they would not put in a minority report, but originally that was a committee report. Then two members afterwards thought it was not what they believed, so they put in Report B. The difference now between Reports A and B is on one thing only and that is a question of whether the tax shall be paid on wages paid or on wages payable. The federal law provides on wages paid, and that would be Report A.

This amendment which the Senator from Penobscot, Senator Chamberlain, has put in was really to make it more conformable on wages paid, and was put in by the attorney for the Unemployment Compensation Commission because if I am correct, he received telegraphic information from Washington that they wanted it changed. Report A, except for a minor matter would be in conformity with the Washington law, and to do that was one of the purposes for which this special session was called. Therefore, by adopting Report A—and as I understand it, we have adopted it—and by the passage of the bill as reported by Report A and amended by this amendment which has been offered, will make this law in conformity with the Washington law. Report B is contrary to, in a very definite and decided manner, the Washington law. On the point of wages paid, the latest information from Washington would be that they would not accept. So much as we deprecate the making of laws to conform to Washington, nevertheless we seem to be in that position especially in regard to the Unemployment Compensation law. There-

fore the passage of the bill as amended by the amendment presented this morning will make our law conform to the federal law. Adoption of Report B would make it differ in a very material manner from the federal law. Therefore, I hope this Senate will give the bill, as amended, its second reading.

Mr. CHAMBERLAIN: Mr. President, there is no question that Legislative Document No. 1222 was put in for the purpose of making the Maine law conform to the Federal law, but Legislative Document No. 1222 contains some words and phrases and sections that are unnecessary to make it conform to the law and do not really belong there, but because of the difficulty of getting them out at this late time, they will have to go through just the same. It is unfortunate that this bill was taken up, but it was necessary to take it up at special session. The nature is such that it requires a great deal of care and time to consider it. Do I understand the bill has been given second reading?

The PRESIDENT: The Chair will state the question. The motion has been made by the Senator from Penobscot, Senator Chamberlain, that the rules be suspended and the bill, as amended by Committee Amendment "A" and Senate Amendment "A" be now given its second reading. Is this the pleasure of the Senate?

The motion prevailed, and under suspension of the rules the bill as amended by Committee Amendment "A" was given its second reading.

Mr. CHAMBERLAIN: Mr. President, as I understand there is intention to attach to this bill an emergency clause which perhaps needs a little bit of consideration, so I move the bill be laid upon the table until after a contemplated recess.

The motion prevailed and the bill was laid upon the table pending passage to be engrossed.

Miss LAUGHLIN: Mr. President, I realize the motion is not debatable, but I would like to ask the Senator when he proposed to take the bill off the table so it can be acted upon by this legislature?

The PRESIDENT: The Senator may ask the question through the Chair and the Senator from Penobscot, Senator Chamberlain, may answer if he wishes.

Mr. CHAMBERLAIN: Mr. President, I will take it from the table

immediately after we convene after recess.

On motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

After Recess

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage, (S. P. 717) (L. D. 1222) tabled by that Senator earlier in today's session pending passage to be engrossed, and upon further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

Mr. SPEAR of Cumberland: Mr. President, if it is in order, there is a matter I would like to take up with the Senate pertaining to the vacancy caused by the resignation of Mr. Louis Fowler, the Sergeant at Arms.

The PRESIDENT: The Senator may proceed.

Mr. SPEAR: Mr. President, as many of you know, Mr. Fowler resigned, I assume to take a better position. Mr. Roy S. Humphrey is the Assistant Sergeant at Arms. He has served us some time in that capacity and I think everyone will admit he has done a good job and I would place in nomination for the position of Sergeant at Arms, the name of Mr. Roy S. Humphrey of Augusta.

Mr. THATCHER of Penobscot: I will second that nomination, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Spear, places in nomination for election to the position of Sergeant at Arms, the name of Roy S. Humphrey of Augusta. Are there further nominations?

Upon motion by Mr. Spear, the Secretary of the Senate was instructed to cast one ballot representing the unanimous vote of the Senate, for Roy S. Humphrey of Augusta, as Sergeant at Arms.

The PRESIDENT: The Secretary has performed his duty and I declare Roy S. Humphrey duly elected to the position of Sergeant at Arms of this Senate.

Mr. SPEAR: Mr. President, there is another young man here who I think has served us equally well and I would nominate Waldo H. Clark to Jefferson to fill the position of Assistant Sergeant at Arms.

Mr. THATCHER: Mr. President, I second the nomination.

The PRESIDENT: The Senator from Cumberland, Senator Spear, places in nomination for election to the position of Assistant Sergeant at Arms, the name of Waldo H. Clark of Jefferson. Are there further nominations?

Upon motion by Mr. Spear, the Secretary of the Senate was instructed to cast one ballot representing the unanimous vote of the Senate, for Waldo H. Clark of Jefferson, as Assistant Sergeant at Arms.

The PRESIDENT: The Secretary has performed his duty and I declare Waldo H. Clark duly elected to the position of Assistant Sergeant at Arms, of this Senate.

The PRESIDENT: Is there further business to come before the Senate?

Mr. SPEAR: Mr. President, I do not know whether there is any business that we can do before recessing until after lunch. I would like to inquire through the Chair of the Secretary whether we should recess now?

The PRESIDENT: The Chair understands there is no business ready to be attended to.

On motion by Mr. Spear of Cumberland,

Recessed until one forty-five this afternoon, Daylight Saving Time.

After Recess

The Senate was called to order by the President.

Joint Order

(Out of Order)

ORDERED, the Senate concurring, that the State Controller be directed to pay the fee and expenses of W. Scott Brown, Esq., attorney for the presentation of the evidence in the Belmont Smith address proceedings on voucher approved by the Joint Committee on Judiciary, and charge the same to the appropriation for the legislative department. (H. P. 2270)

Which was read and passed in concurrence.

Joint Order

(Out of 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 appropriation for the legislative department. (S. P. 751)

Sent down for concurrence.

First Reading of Printed Bills

(Out of Order)

Bill "An Act Appropriating Monies 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)

(On motion by Mr. Wentworth of York tabled pending first reading.)

Bill "An Act Authorizing the Issue of Bonds and Notes to Defray Military Expenses. (S. P. 749) (L. D. 1243)

(On motion by Mr. Wentworth of York, tabled pending first reading.)

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

(On motion by Mr. Marden of Kennebec tabled pending first reading.)

Communication

(Out of Order)

STATE OF MAINE

EXECUTIVE DEPARTMENT

Augusta

June 7, 1940.

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 I 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,

LEWIS O. BARROWS,

Governor.

(S. P. 752)

Which was read and ordered sent to the House.

Order

(Out of Order)

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

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 Eighty-ninth 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.

Thereupon, on motion by Mr. Hill of Cumberland, the order was transmitted forthwith to the House.

The PRESIDENT: The Chair will appoint as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Hill, the Senator from York, Senator Wentworth and the Senator from Kennebec, Senator Cony.

On motion by Mr. Spear of Cumberland.

Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Upon motion by Mr. Wentworth

of York, the Senate voted to take from the table, 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) tabled by that Senator earlier in today's session pending first reading.

Mr. WENTWORTH of York: Mr. President, and members of the Senate, I know that many of you are wondering about these continued deficits and I am going to attempt to explain as clearly as I can these different items in this bill. You remember back in the regular session when we came here the big bone of contention was the Health and Welfare Department and we came here with blood in our eyes to do something about it and previous to our coming here the Governor and Council had become somewhat alarmed and had called in Dr. Coombs to come here and prepare a report, which he did. Subsequently the report was put before the legislature and adopted. The report required a reorganization of the Health and Welfare Department.

When we made these appropriations we took this reorganization into consideration and tried to figure out as best we could, but of course, we didn't have much to tie to and you know when there is human misery involved it is a pretty difficult thing to know just how much money you have really got to have, but we figured that the reorganization would save the State a considerable amount of money so we went at it on that basis. Well, what happened? After we adjourned the Governor and Council set about to look for a head of that department. I think you all realize it is a highly specialized job and they had difficulty in finding someone. Finally in February the appointment was made so we had all that time from April until February that the department really went on about the same as it went on before, perhaps trying to make some saving in what they had the year before. So Mr. Earnest, the head of the department, is just getting his feet placed and he figures now he can get to work and complete this reorganization and make the savings we anticipated would be made.

Now, I am going through these different amounts and in order that I may not leave out anything, I am

going to resort mostly to manuscript. The total amount of the bill, the total amount of money called for is \$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 ten months to May 1, 1940 were \$1,082,749.28. On that date the actual overdrafts for 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. 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 for that amount.

I think you all realize what the law is regarding state paupers. It requires that even though you haven't the money in the appropriation, you want to take care of them, and this pauper law is in contradiction to any appropriation act limitations as it contains a mandatory provision that the State must provide for persons having no pauper settlement in any municipality, whether funds are available or not.

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. The administration of the Health and Welfare Department in the report, recommended it all be dumped in together, which was done. Previously it had not been done that way.

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. With this increase there will be a reduction in the total expenditure for the Emergency Aid, as compared with last year, of approximately \$80,00.00.

Fifth, \$18,000 is necessary for the Department of Adjutant General. On June 30th 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 one-third of the enlisted strength of the Guard which 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, 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 & Ernst bills for their duties to May 25, 1940.

Seventh, the last deficiency item represents the amount of money necessary for the payroll and expenses of this Special Session of the Legislature and is \$30,000.00.

These items were 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 appropriation and to provide the means whereby \$22,000.00 may be charged to the cost and administration of the Highway Department.

That will provide sufficient money so that Mr. Hayes can make a complete audit of all State accounts. In fact, it does this, it conducts a constant audit of the State, its departments and agencies, including especially such matters as the Controller's and Treasurer's offices, working towards the year-end financial report, etc., the Highway Department, gasoline tax, Liquor Commission, and continued current automobile receipts which, in the past, have not really been covered.

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 no 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.

Thereupon, on motion by Mr. Wentworth, the rules were suspended and the bill was given its first reading.

Mr. HILL of Cumberland: Mr. President I am still a little in the dark as to this sinking fund reserve. I am seeking only for information as to the make-up of that fund and as to its availability for this particular purpose in the amount of \$225,000.00. It will be recalled that early in this special session, I believe on the 24th of May, at a joint convention of these two branches, Mr. Wilkinson, the auditor appeared and was interrogated by several members of the convention in both branches as to the makeup of the sinking fund reserve, and whether or not it was set up in accordance with the statute creating the sinking fund reserve and as to how much of that fund consisted of cash or how much would be available to meet appropriations of this sort. To me, it seems that none of the several members who advanced those inquiries of Mr. Wilkinson, was able to get any very clear answer. The Committee on Appropriations and Financial Affairs, no doubt has given this serious consideration and gone over the matter very thoroughly, and very likely the distinguished Senator from York, Senator Wentworth, who is chairman of the committee, may be able to enlighten us on that point, and I would appreciate it if he would do so.

Mr. WENTWORTH: Mr. President, for the benefit of the Senator from Cumberland, Senator Hill, I will say that I am not a financial wizard and I do not believe anybody can give any better answer to that question than Mr. Wilkinson did. I understand that Mr. Hayes, the State Auditor has gone into the matter quite thoroughly and he says all items in the sinking fund reserve that came out in the audit

are sound. I suspected somebody would expect me to bring this money to take care of that \$225,000 in wash tubs full of green backs, but I cannot do it, but I am satisfied that there will be that amount of money in the treasury to take care of those bills. That is all the information I can give you.

Miss LAUGHLIN of Cumberland: Mr. President, it seems to me the entire bill is full of 'Whereas' and 'Whereas', and I note there is no emergency clause on it. If I remember correctly, the Supreme Court ruled that the 'Whereas' could be dispensed with but the emergency clause must be there. Perhaps I haven't the entire bill here, but there is no emergency clause here, no such a thing on this bill. The 'Whereas' is nothing, it is merely introductory. Does anyone see anything on the bill that indicates that it is an emergency? Can you find any emergency clause? 'Whereas' this was an emergency or 'Whereas' this is an emergency—well, it isn't. The Supreme Court has held that these 'Whereases' are surplusage. There is nothing in the bill which says it shall take effect immediately. I know you can leave out the 'Whereas' but you cannot leave out the phrase that it shall take effect immediately. I would just as soon it would go the 90 day limit because I am not very much in favor of it although I am not opposing it, but merely pointing this out. But I would like to say here that I am not going to object to this if the chairman of the Committee on Appropriations and Financial Affairs says it is so, but I object very seriously to these deficiency bills being brought in here and having a one-man government substituted for the legislature. I want to find out sometime who this is or who they are who can authorize expenditures beyond the appropriations of the legislature, with the approval of the Executive Department, which we certainly do not believe in, in this state. This is not the time to consider it, but I would like to know who dares to assume to expend one-half million dollars with no authority but his own as an administrative executive. I think it is too late at this time but some steps should be taken by the legislature to stop this practice which I venture to say was by a minor executive, of expending half a million dollars not appropriated. However, at this time I merely want to point

out that the bill will not take effect until after 90 days without the emergency clause.

Thereupon, on motion by Mr. Wentworth, the bill was laid upon the table pending assignment for second reading.

Passed to be Enacted

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

Bill "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)

Mr. HILL of Cumberland: Mr. President, the committee appointed pursuant to a joint order to convey the congratulations of the legislature to the Governor has delivered the message with which it was charged and has presented the Governor with a bouquet of flowers, and was asked by his Excellency to report to this Body his sincere thanks and appreciation.

The PRESIDENT: The Senate hears the message and thanks the committee.

Orders of the Day

On motion by Mr. Marden of Kennebec the Senate voted to take from the table, bill, An Act Authorizing the Issue of Bonds and Notes to Defray Military Expenses (S. P. 749) (L. D. 1243), tabled by that Senator earlier in the session pending first reading.

Mr. MARDEN: Mr. President and members of the Senate, the hour is late but I would like to take a few minutes at this time to discuss the contents of the proposed new drafts prior to any action that this Body may take and possibly with the idea of announcing some helpful information by which proper consideration of the two measures may be given in due course. It is not the purpose of the committee in presenting this report in two new drafts with the motion that the report be accepted, to force the opinion of the committee upon this Body nor upon any member of it. There are some features of the proposed legislation which are highly controversial and for the reason

mainly of reciting the reasons back of the report that was made and the new drafts presented, with a view to promotion of discussion and investigation in the advisability of the acceptance of the legislation, I would like to address myself to these measures.

The measure that was referred to the committee was an Act Providing for Improvement in Military Preparedness. It was introduced early in the session and had three features; one calling for an additional sum of money for the Adjutant General's Department for expenditure in National Guard training prior to January 1st, 1941, and a second provision was an allowance to the officer personnel of the National Guard regiments in Maine for clothing and equipment, an allowance originally fifty dollars per officer and thereafter twenty-five dollars a year. The officers of the National Guard in Maine are required by the military law to equip themselves identically as commissioned officers in the regular service. There never has been any state allowance for that clothing and equipment, the initial expense of which for a new officer is a hundred dollars and this suggestion was to step in line with some of the other states to make that allowance so that the officer personnel of the National Guard would not entirely have to go in to their own funds for their equipment as officers.

The third provision was a slight change in the set up of the Armory Commission of the State of Maine with a view toward accelerating the Armory program, such Armory program as we now have.

Now the new draft under that same title proposes the sum \$15,000 for the Adjutant General's fund for additional military training prior to January 1, 1941. The original bill called for \$10,000. The new draft calls for \$15,000. The reason back of the measure, in itself and the increase in amount, is this: Up to within a few years, out of the General Appropriation for the Adjutant General there has been, or there was, an annual competition, in the terms of the National Guardsmen "a state shoot" by which the personnel of the three regiments of the National Guard in the State of Maine met in competition based upon efficiency in musketry and rifle marksmanship which are two

of the fundamental courses in the training of a soldier.

For the last few years that has been discontinued for lack of funds. It is the one and only feature of the National Guard training as a grouping of the regiments by which that training, not can be had but can be efficiently given. Not all of the proposed \$15,000 is necessary for a resumption of that particular part of the training program. A portion of it is. The other portion is meant to facilitate the inspection of the various guard units by the officers charged with that function who now do it and travel over the state as much as their own personal funds will permit.

In other words a battalion commander with four infantry companies has a duty to visit and inspect and supervise the training of those companies. To date it has been done out of his own personal fund without reimbursement even for travel. It is an unreasonable request and part of this proposed \$15,000 will be for the purpose of allowing the commanding officer of the respective units in the state of Maine to make the visitations which are within their duty, travel allowances, whereby a partial resumption of the National Guard program can be made.

It is important that that be done or that something of the nature be done before the next session of the legislature and the purpose of the fund is to enable the National Guard authorities to do that prior to the Ninetieth Legislature and in connection with the summer general field training.

The second section is the clothing allowance and equipment allowance which I have mentioned. The third section is relative to the Armory Commission. Up to now the Armory Commission, whose function it is to supervise the construction and improvement of such armories as we have within the state, has been composed of the Adjutant General ex officio and four officers of the line of the National Guard, all above the grade of captain. That does not mean so much except that the Armory Commission has been composed of the Adjutant General and four officers of the line.

In the event of a major emergency or in the event of less than a major emergency whereby the Na-

tional Guard of Maine might be called out of the state for training, the Armory Commission would not be here. The change suggested is that the Armory Commission shall consist of seven members, increasing in number from five to seven, one of whom shall be the Adjutant General who shall be Chairman and the others shall be six citizens of the state appointed by the Governor with the advice and consent of the Council, two for a term of one year, two for a term of two years and two for a term of three years and thereafter two for three years annually. The purpose, of course, being that in the event of any situation whereby the previous Armory Commission might not be available to carry on any armory construction program which we may institute, that a Body would still exist in the State of Maine for carrying out that program.

Up to the present time under the law passed in 1939 the Armory Commission was authorized to order and supervise the construction of buildings to be used as armories for the purpose of the use of the National Guard and to repair and improve new buildings donated for that purpose. Whenever a town or any person shall deed to the state of Maine any lot or lots, or lot or lots and buildings thereon to be used by the state for the purpose of constructing an armory, the Armory Commission is authorized to accept such gift provided that sufficient funds are available to carry out the project.

Under that authority plus the twenty-five thousand dollars a year which the legislature for the last two sessions has devoted to that purpose, somewhat of an armory construction program has been initiated. The change in that Armory Commission, other than as already outlined, provides that the Armory Commission may acquire real property by right of eminent domain and both real and personal property by purchase, gift or otherwise for the purpose of construction of armories and military property, going further, obviously, than present law but allowing the Commission to make progress in cases where towns have not been ready to donate land or land and buildings.

Under the present law the pay of the Armory Commission is based upon the base pay of their grade.

That is to say, the time that the Adjutant General or any other officers of the line have put in an Armory Commission, up to now the pay for that service has been rated by their base pay. The base pay of a brigadier-general is something about \$6,000 a year, the amount decreasing as you proceed towards junior officers.

The change provides that the pay of the commission shall be per diem as the Governor and Council may direct, the feeling being that a saving can be made on the expense of the commission.

That is briefly the situation in Legislative Document 1244. Legislative Document 1243 is the measure which is no doubt controversial but proposes a way of raising money for accelerating this Armory program. Now, to members of the legislature who have heard the story from the standpoint of the National Guard, which is an old story—and really I do not intend to unnecessarily repeat—the problem with which Maine is faced is on the standpoint of the National Guard and its housing, but please may I say very briefly that as already indicated we have three National Guard regiments in the state of Maine; the 103rd Infantry which is an infantry regiment obviously, the Field Artillery in the northern part of the state and the Coast Artillery located in Portland, and northerly up to Houlton.

Now, in those three regiments, consisting of 192 officers and some nearly 3200 men, we have forty-three units, and by that I mean companies in the case of infantry and batteries in the case of artillery coast or field, and of those forty-three units, members of the Senate, six are properly housed. Now the words, "properly housed" admit of course of a difference of opinion but whether or not a unit in the state of Maine is properly housed is ultimately not for Maine to say. It is the say of the federal government. Maine furnishes the personnel to make up these regiments. When these regiments are federally recognized the federal government furnishes their uniforms and equipment, in return for which under the National Defense Act the federal government insists that Maine properly house the equipment. And when it is said that six of the forty-three units are properly housed it is meant

that six of the forty-three units are housed in buildings which have been accepted as proper by the federal government.

It is an old story that we have between three and four million dollars worth of federal property loaned to us as National Guardsmen. The responsibility for that property is in the state and in the state alone and when they define proper housing it involves protection against loss by fire, protection against theft and in these days the possibility of sabotage.

Now six of the forty-three units are properly housed based upon the existing strength of those units up to a year ago at which time the companies were roughly sixty-two men. Within the last year infantry companies have been increased to eighty men and they will require an increase of fifty or sixty more men before we are even on peace strength. So that of the six units which have been described as being properly housed, at this minute it is doubtful if one of them is properly housed because within the last year the number of the personnel has increased and within the last few months additional equipment has been sent to those units for proper housing of which they are not prepared. As an illustration, there has been completed in Gardiner within the last few months under the program to which I have referred, an armory for the housing of sixty-two men, their rifles, machine guns, pistols and equipment. Right now that company has eight trucks, under new motorization of the infantry units, with no place to keep them. The Federal government says, "If you are going to have this equipment you must house it."

Now immediately someone says, "Well, do we as a state need to do that; if we fail to act within our discretion won't the federal government in its anxiety and the necessity of proper military measures do it for us?" The answer is under the present National Defense Act—No. Whether Congress will change the law and do it, no one knows but until the law is changed the state of Maine must do something toward the housing of this equipment or the federal government can withdraw it from the state of Maine. We don't have to do a thing about it. But if we don't, under the existing law, the

federal government may withdraw our federal recognition and we won't have a National Guard. Perhaps we don't want any, but that is the position in which Maine finds itself today.

Just two or three more words, please, on this business of new equipment. Even under the old organization, by which I mean that a few months ago your field artillery batteries had twenty-four men. That means twenty-four guns of a certain size of the artillery style, meaning on wheels with rubber tires. The value of each of those guns, gentlemen, is \$15,000. And today they are housed in frame buildings which at best furnish no particular protection against theft or sabotage and little or no protection to loss by fire, in the event of which loss not only would the state be responsible which is bad enough, but even worse there would be a considerable problem in replacement. Under the recent setup of the coast artillery, which is in order to receive some new anti aircraft search-light and anti aircraft guns, the federal government is ready to send that equipment to Maine but will not send it until Maine has furnished a proper place to keep that equipment. Anti-aircraft guns cost twenty thousand dollars apiece. A Sperry predictor, a piece of equipment which determines range direction of flight automatically, costs twenty or twenty-five thousand dollars a unit, a precision instrument. And they will not be sent to Maine until they can be properly protected against loss by fire and sabotage. Anti aircraft searchlights cost thirty-six thousand dollars apiece and every anti-aircraft battery is entitled to three. They will not be sent until they can be properly protected. And, obviously, that can be understood.

The bill does not say that this legislation must be passed but the bill proposes under Section 7 of your Constitution for purposes of war the issuance of bonds by referendum to the people, a bond issue for military expenses, especially for the building and improvement of armories, for the building and improvement of airports for military purposes, under which phrasing it is believed that the disbursing authority could consider an act if necessary upon an air unit for the state of Maine for expense acquired

on behalf of the state or in cooperation with the federal government in improving military efficiency; the thought being that when the federal government does make a change in the law they will send money to Maine for this purpose and, as indicated, general military purposes. The amount of course is or may be an element of debate.

The bill provides that that bond issue may be as much as two million dollars in serial bonds to be retired within twenty years, any proceeds from the sale of these notes or bonds to be kept separate account and on deposit until necessary to use them and to be retired from any monies of the state available and not obligated for any other purpose. The document is based upon the similar measure in the legislature of 1917, as I recall it, which were the war bonus bonds.

The disbursement of any money which may be authorized under this measure is, in the bill, referred to the Governor and Council and the Armory Commission as described whose duty it is to supervise and carry out the provisions of the act. Whether the requirement or, in their judgment or in the judgment of this legislature a part or all of that money may be authorized, the amount and the manner of providing it is certainly open to argument. The need under the present law admits of no argument and it may well be, Mr. President, and it probably is, a proper step, after this brief comment, intended to be brief, that the matter be considered by this Body during a recess or adjournment that may be declared so that at some proper time and in due course action may be taken on it.

Obviously, the emergency clause is to get immediate action. Were we to provide a referendum it is my understanding that such a referendum could be had within sixty days, possibly forty-five. If any measure is passed without the emergency and a referendum is in vote we are all aware that it might be six months before a decision could be rendered. We have tried to keep away from the hysteria, on the one hand, which has invaded some areas and yet, on the other, impress ourselves with the idea that something must be done.

The raising or expenditure of this

money is not an expenditure toward future military preparedness. One dollar or two million dollars which may be authorized under this measure does what it has been the duty of the state of Maine to do for the last twenty years. In other words, any money that may be spent under this proposition is solely performing a duty which the state of Maine has been ignoring and a part or all of which must be spent if we are going to keep the National Guard in Maine. That cannot be over emphasized.

And while I will not move that the matter lay on the table pending further consideration, I am sure the committee would not oppose it and if it is the view of any members here that that should be done, we would certainly cooperate in any effort of that kind.

Mr. CHAMBERLAIN of Penobscot: Mr. President, in view of the amount involved here and without in any way expressing disapproval of any of the projects as they have been outlined by the Senator from Kennebec, Senator Marden, I would like to ask through the Chair, a question of the Senator from Kennebec, Senator Marden.

The PRESIDENT: The Senator from Penobscot, Senator Chamberlain, desires to ask a question through the Chair of the Senator from Kennebec, Senator Marden, who may answer if he so desires.

Mr. CHAMBERLAIN: In view of the fact that the Congress is almost certain to pass a national defense act what would be the status of this appropriation and the expenditure of the various projects you have outlined if the federal government national defense act covered some of those points?

Mr. MARDEN: It is my belief, Senator Chamberlain, that this measure, while it provides for the raising of funds up to the limit named, if at any time during the progress of any program initiated hereunder, federal funds were available, that state responsibility under this measure could be stopped and advantage could be taken of the federal program. The idea, we believe, being expressed that this money might be used in cooperation with the federal government in improving military efficiency. If a program is initiated, and it will take time to initiate it, during which federal funds are available, the money spent up to that time would have been and would be a state obliga-

tion come and gone, but in the future it is believed that the administrative board under this act could cooperate with the federal government and take advantage of federal funds.

Mr. CHAMBERLAIN: Again in no way expressing the slightest disapproval about the carrying out of all of the projects that the Senator from Kennebec, Senator Marden, has outlined, nor in any way disputing the necessity of doing those things, it seems to me that the emergency in Europe which reflects itself here in America will almost demand that the Congress take some immediate action. There is no adage which is truer than the old adage which says that haste makes waste and it seems to me—and again I am in no way opposing these things, it seems to me in view of the statements that have been made privately that we may reconvene in July, it would be just as well, as the Senator from Kennebec, Senator Marden has suggested, that during that period we give serious thought to this and possibly take advantage of congressional action and then provide for ourselves what is needed in addition.

Mr. FRIEND of Somerset: Mr. President, believing very sincerely and conscientiously along the lines of talk just made by the Senator from Penobscot, Senator Chamberlain, I would like to make a motion, in order that we may wait five or six weeks to see what possible action congress may take, and it would seem to me that undoubtedly in that time a national plan of defense would come out of Congress, because of that, I would like to make the motion that this bill be referred to the next session of this legislature immediately following the recess of this session.

Thereupon on motion by Mr. Spear of Cumberland, the bill was laid upon the table pending consideration.

The PRESIDENT: The Chair understands that the Senator from Kennebec, Senator Marden now moves that Legislative Document 1244, bill, An Act Providing for Improvement in Military Preparedness, be taken from the table.

The motion prevailed.

Mr. SPEAR of Cumberland: Mr. President, isn't that bill tabled in the name of Senator Marden?

The PRESIDENT: The Chair

would inform the Senator that this bill on previous motion was taken from the table by Senator Marden.

Mr. SPEAR: I move that that bill also lie upon the table.

The PRESIDENT: Is it the pleasure of the Senate that the bill be laid upon the table pending further consideration?

The motion prevailed.

On motion by Mr. Wentworth of York the Senate voted to take from the table bill, An Act Appropriating Monies for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and other Obligations for which No Legislative Appropriation has been Made (S. P. 747) (L. D. 1242), tabled by that Senator earlier in today's session pending assignment for second reading.

Thereupon the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to Senate Paper 747, Legislative Document 1242. Amend said bill by adding at the end thereof the following clause: 'Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.'"

Senate Amendment A was adopted and on further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

Mr. SPEAR of Cumberland: Mr. President, I move that the Senate recess until 7:30 o'clock this evening, fast time.

Mr. BURNS of Aroostook: Mr. President, may I inquire if the Senate has possession of Legislative Document 1245? It has been brought to my attention that there has been received, or at least has been sent over from the House, Legislative Document 1245 and my inquiry is whether or not the Senate has possession of the original bill?

The PRESIDENT: The Chair would inform the Senator that bill An Act Amending the Compensation Law L. D. 1222 is in the possession of the Senate.

Mr. BURNS: May I request, Mr. President, through the Chair that the Senator from Cumberland, Senator Spear withdraw the motion he has just made that the Senate re-

cess, in order that I may make a statement?

Mr. SPEAR: Mr. President, I withdraw my motion.

The PRESIDENT: The Secretary will read the disposition of the two bills in the House.

The SECRETARY: Senate Paper 717, Legislative Document 1222, in the Senate on June 7, report A read and accepted and the bill passed to be engrossed as amended by Committee Amendment A and Senate Amendment A. It now comes from the House, Report B "Ought to pass in a new draft as Legislative Document 1245" accepted in non-concurrence and the bill passed as amended by House Amendment A in non-concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I move that this lay upon the table until after the recess in view of the fact that many Senators supposed that motion had passed and have left the Chamber.

The bill was laid upon the table pending consideration.

Thereupon, on motion by Mr. Spear of Cumberland,

Recessed until 7:30 o'clock Daylight Saving Time, this evening.

After Recess

The Senate was called to order by the President.

Joint Order

(Out of Order)

On motion by Senator Spear of Cumberland, it was

ORDERED, the House concurring that when the Senate and House adjourn, they adjourn to meet on Monday, July 22nd, 1940, at 3 o'clock in the afternoon, E. S. T. (S. P. 754)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

Order

(Out of Order)

On motion by Senator Spear of Cumberland, it was

ORDERED, that the Superintendent of Public Buildings be directed to reserve Room 74 for the exclusive use of the Secretary of the Senate during recess of the legislature.

Emergency Measures

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

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate, and none opposed was passed to be enacted..

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

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed, passed to be enacted.

From the House:

Bill "An Act Giving the Duties of the Treasurer of State to the Commissioner of Finance." (H. P. 2271)

Which was received out of order and under suspension of the rules, and referred to the Joint Select Committee on Study of State Departments, in concurrence.

Senate Committee Report

Mr. Worthen from the Committee on Inland Fisheries and Game on Bill "An Act Relating to the State Museum," (S. P. 737) (L. D. 1233) reported that the same ought to pass.

(On motion by Mr. Worthen of Penobscot, tabled pending acceptance of the report.)

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Providing for Improvement in Military Preparedness, (S. P. 750) (L. D. 1244), tabled by that Senator earlier in today's session pending first reading.

Mr. SPEAR: Mr. President, I now yield to the Senator from Kennebec, Senator Marden:

Mr. MARDEN: Mr. President, in the discussion prior to the last recess, of these military measures, the speaker in closing overlooked Legislative Document 1244 to this extent, perhaps the matter which deserves more consideration than we can perhaps give tonight, is Legislative Document 1243, the one relative to the proposed bond issue. Legislative Document 1244 which was one of the two measures reported out of committee is the measure on which I spoke first, namely, appropriating \$15,000 to be added to the military fund for improvement in military

preparedness and changing the set up of the Army Commission. Expressing the hope there is no objection, I will move that the bill be given its first reading if that is the proper motion.

Thereupon the bill was given its first reading, and under suspension of the rules was given its second reading and passed to be engrossed. Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage (S. P. 739) (L. D. 1245) tabled by that Senator earlier in today's session pending consideration.

Miss LAUGHLIN: Mr. President, I move that the Senate adhere to its former action by which it passed to be engrossed the bill, Legislative Document 1222 which is the measure which was favored by the majority report of eight of the Judiciary Committee. I do not intend to discuss this bill or its provisions at any length. I merely want to say that this bill was fully discussed by the Judiciary Committee after advertising it and after hearing on it, at which representatives of the Unemployment Compensation Commission appeared and at which various representatives of labor unions appeared and after hearing and discussion the committee voted to recommend this bill as it appears in 1222. The bill was passed by the Senate to be engrossed, conforming to what the Federal Unemployment Commission, or whatever its name is, required, or at least desired, and as I said, after full discussion and consideration by the committee, it was found to conform to those requirements.

Legislative Document 1245 which comes to us from the House in non-concurrence does not conform to those requirements. It never came to the committee in this form so it has never been considered or discussed as it should be in a committee, and now it appears that we may have to chance it on errors or anything of that sort. So as I said, I wish to make this motion, that we adhere to our former action whereby we passed this measure to be engrossed.

Mr. BURNS of Aroostook: Mr. President, a slight review of the proceeding appears to me to be nec-

essary in order that the Senate may in some measure at least, comprehend the complexity of the bill, Legislative Document 1245, An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage. As has been said by the distinguished Senator from Cumberland, Senator Laughlin, the matter first considered by the Judiciary Committee affecting this subject matter is incorporated in Legislative Document 1222, to which I refer the members of the Senate at this time. We are dealing with two documents, in a sense, although as I understand the motion put through by the presiding officer, through Senator Laughlin, we are dealing only with Legislative Document No. 1245. First of all, I think the Senate members should understand the distinction between Legislative Document 1222 and 1245 which appertains to the same subject matter. Legislative Document 1222 is the original bill prepared by the officials of our State Unemployment Compensation Commission and was referred to the Judiciary Committee at which a hearing was held. Following the hearing the report of the committee was eight in favor of the adoption of the majority report of the committee, affirmatively, and two against, and they expressed their dissent further by the introduction later, in the House, of Legislative Document 1245 which is the matter which we are considering, as I understand it, under motion and ruling of the Chair.

Now, Legislative Document 1245 and Legislative Document 1222, both rather lengthy documents and containing many clauses and conditions and which even a lawyer has difficulty in comprehending, can be distinguished in one respect and one respect only. What I wish to convey to the members of the Senate is that there is only one distinction between L. D. 1222 the original bill and 1245 which is the new draft, which was introduced in the House and received passage by that Body today. So there isn't much of any controversy here between the proponents on the one side and the opponents on the other side. The issue, despite the lengthiness of the two bills, is confined to the proposition of whether the Senate will concur in that action of the House whereby the word "payable" is substituted for the word "paid".

Now if you will refer to Legisla-

tive Document 1222 you will see in several places the word "payable" has been substituted by the word "paid" and as I understand it the issue here involves only a contention revolving around those two words, whether the word be "payable" or "paid". In amplification of that I wish to inform the Senate that although there has been some rumor to the effect that the bill contained a proviso whereby the number of employees of an employer coming within the jurisdiction of the act has been reduced from eight to four, that such a provision does not exist in either bill and is not before the Senate. So you can eliminate that from your consideration of the matter.

I wish further to point out that in both documents, 1222 and 1245 that Section 1 which has to do with the ceiling which an employer and an employee pays in the form of a tax representing the figure \$3000 is the same in both bills. So there is no controversy over that proposition. Many of us have heard that the employers and employees of the state of Maine were losing money by reason of the fact that they were paying a tax on a sum in excess of \$3000. That is not in issue before you because each draft contains identically the same language and we need not concern ourselves about the fact that there will be any loss to either the employer or the employee, because of that ceiling of \$3000 fixed as the amount above which no tax will be imposed. So there is no loss on that score.

Both bills, the bill which the Senate adopted earlier in the day, L. D. 1222 has that clause and it is on the first page under Section 1 in black print at the bottom of the page, and it also appears in the new draft which is L. D. 1245 in identical language. So there is no dispute on that score.

Now, just to review the parliamentary procedure with relation to L. D. 1245 which I understand is the matter which we are considering at the present time. L. D. 1222 as you are well aware was passed this morning with an amendment and was sent over to the House. The House refused to concur with the action of the Senate and in place thereof substituted L. D. 1245. So the measure comes back to this Body in effect in a condition wherein the House has adopted this new draft has refused to concur in the

action of the Senate in relation to document 1222 and has presented to us its decision with respect to L. D. 1245.

Now I oppose the motion of the Senator from Cumberland, Senator Laughlin that we insist on our former action because I think that the issue between the two branches of the legislature is trivial. The issue is merely more imaginary than real and it seems to me that it would be a good gesture on the part of this Body where such a situation exists—and I think I can demonstrate it to the members of the Senate that we have an opportunity here in order to expedite legislation—to put through L. D. 1245 which by subsequent motion I hope to be in a position to make whereby we can recede and concur with the action of the House and the two branches of the legislature concur in this legislation.

Now getting back to the original issue which has to do with the terms "paid" or "payable". In the present law as it now exists because we have on our statute books the Unemployment Compensation Law, the word "payable" is used in several sections of the statute. And it is my position that that should be retained on the statute books and that the original bill which was before the Judiciary Committee which substituted the word "paid" for the word "payable" should not receive at this time the affirmative decision of this branch for reasons which I will point out.

So I say the issue is resolved into whether or not this Senate accept the decision of the House wherein they adhered to the present terminology of the law where the word "payable" is used in place of the word "paid" which is the object of the change and which is incorporated in the original bill 1222 which was reported out eight to two.

At the hearing before the Judiciary Committee there were no proponents, if I recall the situation correctly, which advocated the adoption of 1222 which the Senate today adopted with Senate Amendment A. There were no proponents of that measure for the Committee if you exclude the officials of the Unemployment Compensation Commission, which I understand in talking to them was neutral with respect to this situation. So we

have a condition where the Judiciary Committee decided against opponents that appeared there despite the fact that there were no proponents if you exclude the officials of the Unemployment Compensation Commission.

Now, who appeared before the Judiciary Committee to oppose this legislation, the adoption or the passage of L. D. 1222? There were representatives of labor organizations, people who are interested in this legislation from the western part of the state and from the eastern part of the state and they gave their reasons, and they were sincere, and they impressed me that they had a real grievance against L. D. 1222. And that is the reason I signed the minority report on that measure. They brought out this fact, which is germane to the issue, and I don't see how it can be refuted by anyone who opposes the stand which I take, and that is if we substitute the word "paid" for the word "payable" in various sections of the act we will be doing an injustice to those who are engaged in seasonal employment in the state of Maine.

As I said earlier in today's session, I am opposed to this measure because it adversely affects the interests of wage earners in the eastern part of the state which, along with other members of the Senate, I represent. The situation is this, coming right down to the crux of the controversy that exists between the proponents and the opponents, that under the present proposed legislation in 1222 if the word "paid" is used instead of the word "payable" those who are employed seasonally will not enjoy the benefits of this act.

These organizations are here representing those people who will suffer a grievance and an injustice if 1222 receives passage. They pointed out to us and it has not been disputed by any evidence brought before the Judiciary Committee, that several thousands of men would not enjoy the benefits of the Unemployment Compensation Act who are engaged in seasonal occupation, should the original measure 1222 receive passage. They told me that ten thousand men would be adversely affected. Well, having been here in the legislature for a number of terms I take these large numbers with a grain of salt. I don't know how many men will be adversely affected and I doubt in my

own mind, although it has been said to me that ten thousand men will be adversely affected, that that would be the number of men adversely affected should L. D. 1222 be passed by both branches of the legislature. But I do firmly believe that several thousand men will be put on a different plane than others working in a somewhat similar capacity in the state of Maine who are at present enjoying the benefits of the Unemployment Compensation Law.

The purpose of the new draft which was passed by the House and comes over here for concurrent action is to put these men on a similar footing to others who are enjoying the benefits of this act and I say that we as members of the legislature if we are satisfied that such a condition does exist that we should concur in the action of the House and vote in favor of the passage and enactment of L. D. 1245.

It is common knowledge on the part of some of us that men who are engaged in woods operations go in for the season. That season might be one month or two or three months and in some instances at least they aren't paid on a weekly or semi monthly or monthly basis. In some instances they receive their entire wages at the conclusion of their term of employment which might be as much as a period of three months. Those are the men who would be adversely affected if we follow the notion of the Senator from Cumberland, Senator Laughlin, that we adopt L. D. 1222.

I say we would be doing those men an injustice not to put them in the same category with the others who are enjoying the benefits of our Workmen's Compensation Law. Not only do men working in woods operations suffer but according to testimony which appeared before the committee, longshoremen and men engaged on the water front who are also employed in seasonal occupations would suffer adversely to the same extent as those engaged in woods operations that I have already referred to.

So I believe there are in the state several thousand men who are working in seasonal employment, and this point was not disputed by the members of the Unemployment Compensation Commission who appeared there, Mr. Fessenden, or the others. They did not contest for a

minute that the assertion which I am now making is not the fact and that those men would not suffer if we did not amend the bill to conform to the provisions set forth in the new draft which has been adopted by the House.

Now, without any evidence before the Committee to the contrary and having evidence that was submitted which would show that an injustice would occur to these seasonal employees, it seems to me the only logical thing to do is to follow the action of the House in the acceptance of the new draft which is L. D. 1245 and which puts on the same basis those engaged in seasonal employment along with others who are enjoying the benefit of the act.

And for that reason I oppose the motion of the Senator from Cumberland, Senator Laughlin, and when the vote is taken, Mr. President, I ask that the vote be taken by a Yea and Nay vote.

Mr. CHAMBERLAIN: Mr. President, it is entirely true, as Senator Burns has said, that this bill carries very little difference between L. D. 1222 and L. D. 1245 except in the substitution of the words "payable" and "paid" and I think it is fair to the members of the Senate to say that in the measure admitted this morning, Senate Amendment A substituted the words or put back into that section the word "payable" instead of "paid."

Mr. HILL of Cumberland: Mr. President, I was somewhat confused by the remarks if I understand them correctly of the Senator from Penobscot, Senator Chamberlain. I understood him to say that a Senate Amendment to the bill which the Senate has passed to be engrossed restored the word "payable"; may I inquire of the Senator if I understood him correctly?

Mr. CHAMBERLAIN: I will say, Mr. Speaker, in Senate Amendment A the word "payable" remains there in that amendment and I think the Secretary can read it.

The Secretary read the amendment.

Miss LAUGHLIN of Cumberland: Mr. President, I would like that laid on the table until I may have a chance to look at that amendment.

The motion prevailed and the bill was laid upon the table pending motion to adhere.

Thereupon on motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage (S. P. 717) (L. D. 1222), tabled by that Senator earlier in today's session pending motion to adhere.

Miss LAUGHLIN of Cumberland: Mr. President, this amendment referred to the word "payable" in which it refers to contributions to the Unemployment Commission. It says that contributions, meaning to the Unemployment Compensation Commission, shall accrue and become payable on wages paid. So that "payable" does not refer to it. It is on wages paid. Getting back to the thing I am annoyed at, the bill was on the table and it was permitted to put this in because it came by wire from Washington from the Federal Security Commission, which should be an amendment to this bill, as by their error they had not discovered it before, and the Chairman said, "Wouldn't it have been a nice thing if we had passed it before we got this wire!" So far as I am concerned, I don't suppose anyone gives a toss of a coin for my views, but I consider it positively dangerous under the circumstances, where the Federal commission supplies so much of the money and says what the law shall be and it was put in the way they require it, and then they wire us this amendment to conform to their provisions. However, it doesn't change the effect. It simply means the contributions to the Commission shall be payable upon the wages paid by the employer and is directly in line with the bill. It is nothing to me which way they go. I have some pity for the whole measure, but this thing the Federal Commission practically controls and when they send it along, if you adopt anything else it is very dangerous and we might hold up the whole administration here because it is what they say is to pass and that amendment is perfectly in accord because "payable"

refers to what is payable on wages paid.

One word more, as I have said, I think it is a bad practice to consider in its final stages a bill which has never been before a committee and has never been heard, but is simply a new draft, so-called, which changes entirely the intent of the bill which was heard by committee.

Mr. CHAMBERLAIN of Penobscot: Mr. President, to humbly acknowledge an error and mistake shows possession of great virtue and it also shows in this particular case that it takes a Philadelphia lawyer to interpret the words and phrases. You read a phrase and think you understand it and you come to the next and you find that you have misunderstood the first one.

Mr. BURNS of Aroostook: Mr. President, the effect of the remarks of the Senator from Penobscot, Senator Chamberlain, is that Senate Amendment "A" to Legislative Document 1222, the original bill, doesn't go far enough. The absolute fact is that the word "payable" has been substituted for the word "paid" in Legislative Document 1222 in a number of sections of the act. His amendment has only to do with one of the sections or possibly two, as I understand it, and his amendment does not go so far as to cover all the phrases, or put this way, where the word "paid" has been substituted throughout the bill. Consequently in effect, his admission of error is that Senate Amendment "A" which he originally sponsored, does not go far enough and does not correct the situation throughout the bill, to continue with the word "payable" rather than the word "paid." Now, this matter has been given careful consideration on the part of several members who were interested in the bill and we are confronted with this situation, where if we accept the motion of the Senator from Cumberland, Senator Laughlin, which is to insist on our former action with reference to Legislative Document 1222, that we are favoring legislation here no one but the committee favored.

In my earlier remarks I should have brought out this point, which is significant, and that is with respect to Legislative Document 1222 as amended by the Committee amendment and by the Senate amendment sponsored by the Sen-

ator from Penobscot, Senator Chamberlain, which is a bill which is opposed not only by labor organizations of the State but also by the Associated Industries of the State, which represents the owners and managers and corporations which employ labor. I neglected to bring to the attention of the Senate that the legislative agent of the Associated Industries does not favor the passage of Legislative Document 1222 as amended, but favors the passage of Legislative Document 1245 which sooner or later will appear, I hope, before the Senate. So you have a situation where Labor and Management are opposing a bill which according to the motion made by the Senator from Cumberland, Senator Laughlin, we should pass.

It has also been brought to my attention that in Washington they realized their error in this matter because it adversely affects seasonal occupations and there is a bill before Congress, the McCormack bill, which will return, as I understand it, the federal law to conform with our law, which substitutes the word "payable" instead of "paid". I do not know what Congress is going to do in the matter but it does appear from evidence we have, not evidence necessarily, but reliable reports that labor and management are opposed to Legislative Document 1222 and favoring Document No. 1245. Also that other States are interested in similar legislation. I have heard that all of the 48 States are interested but I have doubts about that but I suppose a substantial number are opposed to substituting a "payable" for "paid" which would affect seasonal labor, which applies to woodsmen, longshoremen and building trades, some of whom are paid following several months' occupation perhaps in the woods and are paid their entire wages or salary at the conclusion of their employment. Now, if these men are to be paid as in the past and the word "paid" is used instead of the word "payable" they will be losing their rights which other employees of the State are enjoying. I think it would be a ridiculous action on the part of the Senate in the face of statements I have made and in view of the fact that this bill as amended is not favored, but is opposed by Labor and Management in the State.

Miss LAUGHLIN: Mr. President, I differ with the Senator from Aroostook, Senator Burns, on Legislative Document 1245 being favored

by industry and 1222 being opposed. As I came from the Judiciary Committee, Mr. Benjamin F. Cleaves met me and said, "I forgot about the hearing. I wanted to go to it, in favor of this amendment." I said, "I guess it doesn't matter. The majority of the committee voted that way, anyway. That is the matter of the Associated Industries. I understand Mr. Frank Lowe was called by telephone regarding this and that his reply was not that they favored the "payable" but they would not insist upon their opposition to it if the legislature passed it. There is quite a difference between the two. As I said, Mr. Cleaves was here to oppose it when I came from the Judiciary Committee room.

Mr. HILL of Cumberland: Mr. President, the Senator from Penobscot, Senator Chamberlain, well said this morning that this is a complicated law and he well said that it would take a Philadelphia lawyer to figure it out. I should like to amend that remark by saying that it takes an extraordinary Philadelphia lawyer to figure it out.

Now, in section 3 of the bill which refers to Section 19 of Chapter 192 of the Public Laws of 1935, as amended,—I am reading from Legislative Document 1245, the one which is favored by the minority of the committee, and in the following paragraph is contained the provision that this act is effective "on and after January 1, 1940". That is a provision of this minority bill. If I understand the situation correctly, a communication was received from Washington to the effect that that provision would not be acceptable to the Federal government. Now as we have already suggested, this is a very complicated bill, to begin with and my thought, like that of my colleague, the Senator from Cumberland, Senator Laughlin, is why complicate this thing further by bringing in here a minority bill that has never been before a committee, never had a hearing and never had the careful consideration that legislation on such a complicated act as this should receive.

If I might take some of the parliamentary latitude that the Senator from Aroostook, Senator Burns, takes in referring to the other branch of the Legislature, I might suggest that he advances here as one of the principal arguments why this minority bill should be favored, and one of the principal grounds of his position, the fact that it was

passed by the House of Representatives, but I should like, Mr. President, to remind the Senator that the other bill favored by the majority of the committee was passed by this Senate, to be engrossed. It seems to me the Senator from Aroostook places more emphasis upon a position of the House of Representatives than he does upon a position of this Senate.

Now, this matter of wages paid or wages payable arises from the fact that the original law, the federal law was on the basis of wages payable and our state law made to conform to the federal act also read "wages payable" but experience over the country as a whole found that was an impracticable provision and the Congress of the United States changed the federal act to read, "wages paid." This proposition now before the Senate is that we may make a corresponding amendment so that our law may be in conformity with the federal act and read "wages paid." As the Senator from Cumberland, Senator Laughlin has said, this afternoon, she would be the last in this legislature to approve of the situation in which the laws of the state of Maine should be made in Washington. I cannot disagree with the Senator on her statement or on her position, and I think you would also agree on her views on that matter. Nevertheless, as a practical matter, a practical proposition, it seems the law is much simpler with "wages paid." It eliminates a great amount of unnecessary bookkeeping and conforms to the federal act and as result of what was said in hearing before the committee, I am unable to see wherein the laboring man to whom the Senator from Aroostook, Senator Burns, has referred, are suffering in any way, shape or manner. It was given as the opinion of the representative of the Unemployment Compensation Commission who appeared before the hearing that Labor would not be adversely affected by the passage of this bill.

Now, Mr. President, it seems to me that unless the Senate adheres to its position already taken this morning, it will be in the late hours of this session considering another bill which has not had a proper hearing before the committee, a bill of eight printed pages and I could not say how many sections, sub paragraphs and sub sections, and

a bill in which, in view of the retroactive position, going back to January 1, 1940, would be in direct conflict with what would be acceptable by the federal government. So I concur with my colleague, the Senator from Cumberland, Senator Laughlin, in her motion that the Senate adhere.

Mr. BURNS: Mr. President, if I may politely refer to a remark made by the distinguished Senator from Cumberland, Senator Hill, wherein I referred to the proceedings of the other branch of the Legislature, I will say this, that I did not quote any of the debate that took place in the House. I referred merely to a record which is here before the Senate which, in effect, shows the action of the House and I insist that is within my prerogatives.

The Senator refers to that section of the bill which has to do with effective date of the act in 1940, as it relates to Legislative Document 1222 and is taken care of by No. 1245. I wish to call attention of the members of the Senate that through House Amendment A, which is on Legislative Document 1245, that the issue to which he has taken exception, has been taken care of, and taken care of by House Amendment A.

Now, there has not been one bit of evidence or inferences brought out that I can see, to justify the position that labor in some of the industries or businesses of the State would not suffer. It has been brought out at the hearing, Mr. Cleaves would have testified, but he didn't. If I understand the Senator from Cumberland, Senator Laughlin, correctly, and I do not question it one iota, he would have opposed Legislative Document 1222, but the fact remains that he didn't appear and according to current information, of which I have the highest regard for its truthfulness, the present legal representative of the Associated Industries of Maine, which represents the management to some degree in the State is in favor of Legislative Document 1245 and is against No. 1222.

When you say further that we are confronted with the proposition where we are accepting a complicated bill, to that I agree but I point out in closing that there is no more complication to L. D. 1222 which is urged on the part of the senators from Cumberland than there is in 1245. They are both complex. But

I have pointed out, and I yet insist, that there has not been a sound argument advanced to break down the statement that I have made and that if L. D. 1222 is accepted labor in this state will suffer.

Mr. HILL of Cumberland: Mr. President, although it be somewhat foreign to the issue here, I should like, nevertheless, to clear up the parliamentary question that has been raised here by reference to Section 224, Reade's Parliamentary Rules, which reads as follows: "It is not permissible to allude to the action of the other house of the legislature or to refer to debate there."

Mr. CHAMBERLAIN: Mr. President, I would like to call to the attention of the Senator from Cumberland, Senator Hill, not only to the paragraph which he read in L. D. 1245 Section 3 wherein he referred to the date of January 1, 1940, as being retroactive. I would like to refer to Section 8 of L. D. 1222, the identical words "effective January 1, 1940."

Mr. HILL: Mr. President, I thank the Senator and call his attention to the fact that an amendment to L. D. 1222 has corrected that provision.

Mr. SPEAR of Cumberland: Mr. President, I did not intend to talk on this matter. If we adhere no one will be any better off and no one will be any worse off than we are now. If we adhere and come back here on the 22nd day of July I think everyone of us can see a little clearer than we do tonight.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, that the Senate adhere to its former action whereby L. D. 1222 was passed to be engrossed; and the Senator from Aroostook, Senator Burns has asked that when the vote is taken it be taken by the Yeas and Nays. Before the Yea and Nay vote can be offered the assent of one fifth of the members present is required. All those in favor of a Yea and Nay vote will rise and stand in their places until counted.

Obviously one fifth having risen the Yea and Nay vote was ordered.

A vote Yea is in favor of adhering to our former action whereby L. D. 1222 was passed to be engrossed. A vote Nay will be against adhering. The Secretary called the roll.

YEA: Beckett, Chase of Piscataquis, Chase of Washington, Cony,

Dow, Findlen, Hill, Kennedy, Laughlin, Littlefield, Marden, Morse, Sanborn, Spear—14.

NAY—Boothbay, Burns, Chamberlain, Dorr, Elliott, Friend, Harkins, Wentworth, Worthen—9.

ABSENT—Boucher, Cook, Graves, Lewis, Owen, Thatcher, Tompkins—7.

Fourteen having voted in the affirmative and nine opposed, the motion to adhere prevailed.

From the House:

*“Resolve Proposing an Amendment to the Constitution Abolishing the Office of Treasurer of State.” (H. P. 2272)

Which was received by unanimous consent and referred to the Joint Select Committee on Study of State Departments, in concurrence.

On motion by Mr. Spear of Cumberland

Recessed to the sound of the gavel.

After Recess

The Senate was called to order by the President.

Emergency Measures

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

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed was passed to be enacted.

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. 747) (L. D. 1242)

Mr. HILL of Cumberland: Mr. President, this afternoon I inquired of the Senator from York, Senator Wentworth, as to his explanation in regard to the appropriation which this bill provides from the Sinking Fund Reserve. I have been trying to find out about this ever since this session convened in May and am not yet satisfied that the Sinking Fund Reserve as set up by the special auditors complies with the requirements of the Laws of Maine. In Section 102, Chapter 2 of the Revised Statutes it is provided in substance that the Sinking Fund Reserve shall consist of unexpended balances of appropriations plus any excess over \$300,000 that may occur

at any given time in the Contingent Fund. Now, the Sinking Fund Reserve as set up by the auditors appears on page 20 of their report. The first item is \$185,000 which was the balance in the statement as prepared by the former State Controller. The accountant, Mr. Wilkinson, in the joint convention, stated that he was unable to say what part, if any of that item consisted of cash that might be available for appropriations. The second item set up is \$1,092,000, some odd dollars, which is the 1937 deficiency account. In answer to any inquiry before the convention, Mr. Wilkinson states that no part of that was cash or anything else that would be available to meet an appropriation. The third item is \$700,000 which the auditor likewise stated did not consist of cash but consisted of the physical assets of the Liquor Commission, stock in trade, liquor, fixtures, accounts receivable, and other assets of the Commission. The remaining items in the Sinking Fund Reserve, according to these statements of the accountants, are comparatively small. In view of the fact that it has not yet been explained to my satisfaction or understanding that this Sinking Fund Reserve is set up in accordance with the statutory requirements, and in view of the fact that it seems to me unwise policy in any event, at this time, to undertake to finance overdrafts by a further appropriation from the Sinking Fund Reserve, I am opposed to that method of solving this difficulty.

It was only in the regular session of this legislature that an appropriation of some half million dollars from the Sinking Fund Reserve was made. This bill calls for a further appropriation from the Sinking Fund Reserve of \$225,000, while the statutory provision is that the purpose of the fund is for bonded obligations of the State.

Nevertheless, although I dislike that provision in the bill, I dislike still more strongly the situation to which Senator Laughlin alluded this afternoon with reference to overdrafts, the expenditure of money without legislative authorization. Inasmuch as overdrafts have been made, presumably the overdrafts will be increased if no appropriation is made at this time, and since the legislature appears about to adjourn for some weeks, and since no alternative has been presented, it

would seem to be necessary to vote for this bill, but I shall vote for this bill only for that reason in order that there may not be further expenditures without legislative authorization.

Mr. TOMPKINS of Aroostook: Mr. President, I would like to inquire of the Senator from Cumberland, Senator Hill, the date of that auditors' report.

The PRESIDENT: The Senator may ask a question through the Chair of the Senator from Cumberland, Senator Hill, and that Senator may answer if he wishes.

Mr. HILL: Mr. President, I am surprised to find that the cover on the report gives the dates as June 30, 1939. I had assumed that the report was made later than that because I find in it, on page 3, which I picked up at random, a later date of May 11, 1940. That would seem to indicate the report could not have been published in 1939.

Mr. TOMPKINS: Mr. President, as I understand it, the audit only came to June 30, 1939 and not to date.

Mr. HILL: Mr. President, it is true, of course, the setting up of the Sinking Fund Reserve was at the close of the last fiscal year, which would be June 30, 1939.

Mr. TOMPKINS: The object of my inquiry is this, are there other funds arising since 1939 which are going to fall in the Sinking Fund Reserve? I thought possibly the Senator from York, Senator Wentworth might be able to tell us.

Mr. WENTWORTH: I will say, Mr. President, in answer to the Senator from Aroostook, Senator Tompkins, that all moneys that might fall within that province have been figured in the light of profits from the sale of liquor over what we anticipated they would be and also inheritance taxes and revenue from railroad taxes. Those would come within this year.

Which bill, being an emergency measure and having received the affirmative vote of 24 members of the Senate and none opposed, was passed to be enacted.

From the House:

Bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage." (S. P. 717) (L. D. 1222)

(In the Senate on June 7, that Body voted to adhere to its former action whereby the bill was passed to be engrossed as amended by Committee Amendment "A" and as amended by Senate Amendment "A.")

Comes from the House, that body insisting on its former action and asking for a Committee of Conference, the Speaker having appointed as members of such a committee:

Representatives:

Weatherbee of Lincoln

Grua of Livermore Falls

Churchill of Bangor

Upon motion by Miss Laughlin of Cumberland, the Senate voted to join in the committee of conference.

Thereupon the President appointed as members of such committee:

The Senator from Cumberland, Senator Laughlin

The Senator from Cumberland, Senator Hill

The Senator from Washington, Senator Chase.

On motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair would inform the Senate that the adjournment order passed earlier in the evening has been returned from the House, that Body concurring in the passage of the order that when the Senate and the House adjourn they adjourn to meet on Monday, July 22nd, 1940, at three o'clock in the afternoon, Eastern Standard Time.

Thereupon, on motion by Mr. Spear of Cumberland,

Adjourned until Monday, July 22, 1940, at three o'clock in the afternoon, Eastern Standard Time.