

# MAINE STATE LEGISLATURE

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# **Legislative Record**

**SECOND SPECIAL SESSION**

**JUNE 26, 1940**

**SENATE**

Wednesday, June 26, 1940.

In compliance with a Proclamation of His Excellency, the Governor, Lewis O. Barrows, the Senators convened in the Senate Chamber at nine o'clock in the morning, Eastern Standard Time.

The Senate was called to order by the President.

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

By direction of the President, the Secretary read the Proclamation:

**STATE OF MAINE**

A Proclamation by the Governor.

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

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

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

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

(Seal)

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

LEWIS O. BARROWS,  
Governor.

By the Governor:

HAROLD I. GOSS,  
Deputy Secretary of State.

A true copy:

Attest:

(Signed) HAROLD I. GOSS,  
Deputy Secretary of State.

Which was read and placed on file.

**Roll Call**

The roll being called by the Secretary, the following Senators responded to their names: Beckett, Boothby, Boucher, Burns, Chamberlain, Chase of Piscataquis, Chase of Washington, Cony, Dorr, Dow, Elliot, Findlen, Friend, Graves, Harkins, Hill, Kennedy, Laughlin, Lewis, Littlefield, Marden, Morse, Owen, Sanborn, Sewall, Spear, Thatcher, Tompkins, Wentworth, Worthen.

The President announced that a quorum was present.

**Orders**

On motion by Mr. Spear of Cumberland, it was

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

The Secretary conveyed the message.

On motion by Mr. Hill of Cumberland, it was

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

The President appointed Senators Hill of Cumberland, Elliot of Knox and Dow of Franklin to convey the message.

The Committee retired, and subsequently reported that they had delivered the message with which they were charged.

Subsequently a message was received from the House of Representatives, by Mr. Pease, its Clerk, informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before that body.

On motion of Senator Friend of Somerset, it was

ORDERED, that the Secretary of the Senate be directed to invite the Clergymen of Augusta, Hallowell, and Gardiner to officiate as chaplains of the Senate during the present session.

On motion by Senator Findlen of Aroostook, it was

ORDERED, that Charles P. Lyford of Augusta be appointed Official Reporter of the Senate for the Special Session.

On motion by Senator Chase of Washington, it was

ORDERED, that the Secretary of the Senate be authorized to procure the services of two stenographers during the Special Session, and for the preparation of the Senate Journal.

On motion of Senator Sanborn of Cumberland, it was

ORDERED, that the Senate Reporter be authorized to procure the services of a typewriter operator and an assistant reporter during the Special Session.

On motion by Senator Marden of Kennebec, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1940, convened on June 26th, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk. (S. P. 757)

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

On motion by Senator Morse of Waldo, it was

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of receiving a communication from His Excellency, the Governor.

The Secretary conveyed the message.

Subsequently a message was received from the House, by Mr.

Pease, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceeding of Joint Convention see House Report.)

### In the Senate

The Senate was called to order by the President.

### Orders

On motion by Mr. Wentworth of York, it was

ORDERED, the House concurring, that five hundred copies of the Governor's communication be printed. (S. P. 758)

Sent down for concurrence.

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

On motion by Mr. Spear of Cumberland, it was

ORDERED, that the Secretary of the Senate purchase such stationery, office supplies and equipment as may be needed to carry on the business of the Senate.

Mr. Marden of Kennebec, out of order and under suspension of the rules, presented bill "An Act Providing for Improvement in Military Preparedness" (S. P. 756) (L. D. 1246)

Which bill was given its first reading under suspension of the rules and on motion by Mr. Spear of Cumberland was laid upon the table pending assignment for second reading and 500 copies ordered printed.

The same Senator, out of order and under suspension of the rules, presented bill "An Act Authorizing a Bond Issue for Military Expense" (S. P. 757) (L. D. 1247)

Which bill was given its first reading under suspension of the rules, and on motion by Mr. Spear of Cumberland was laid upon the table pending assignment for second reading and 500 copies ordered printed.

The same Senator, out of order and under suspension of the rules, presented bill "An Act Providing for the Custody of Federal Funds for Vocational Training" (S. P. 758)

Mr. SPEAR of Cumberland: Mr. President, I would like to explain

that this act was introduced by me at the suggestion of the Attorney General. The act was drafted to comply with the suggestion in the Governor's message. The Federal Government has allocated fifteen million dollars to the several states for vocational training in essential industries. This bill would provide for the State Treasurer to be custodian of such money as the Federal Government allocates to Maine. That is the purpose of the bill.

Thereupon, the bill was given its first reading under suspension of the rules and on motion by Mr. Spear of Cumberland was laid upon the table pending assignment for second reading and 500 copies ordered printed.

Mr. Elliot of Knox, out of order and under suspension of the rules presented "Resolve Providing for Additional State Police Facilities.

Which bill was given its first reading under suspension of the rules, and on motion by Mr. Spear of Cumberland was laid upon the table pending assignment for second reading and 500 copies ordered printed.

On motion by Mr. Spear of Cumberland,

Recessed until 1 o'clock this afternoon, Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Spear of Cumberland the Senate voted to take from the table bill An Act for Improvement in Military Preparedness (L. D. 1246) tabled by that senator earlier in today's session pending assignment for second reading; and that senator yielded to the Senator from Kennebec, Senator Marden.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, in spite of the fact that during the last thirty-six hours a group of legislators have put considerable thought and time into the preparation of these so-called emergency measures for consideration by this special session, it has developed, and very naturally so, that there are phrases and policies announced in these measures with which some of the members have expressed differences of opinion and the apparently unseemly delay has

been occasioned by an attempt to consolidate those very worthwhile suggestions into an amendment or amendments which are about to be offered, and the tolerance of this Body is appreciated.

Now, the gist of both measures, which were introduced into the other special session and are now on the table in that session, and in the document now presented, is that the military policies of the state of Maine should be directed at the moment by the Governor of the state and the Armory Commission. And because those two bodies in a sense have been mentioned together in pronouncing the policy and yet acting separately as separate units, the question has repeatedly arisen as to whether the commission would be subordinate to the Governor or as to whether any attempt were being made at the reverse, which of course is not so. But to clarify that situation an amendment, Senate Amendment A is being offered to Legislative Document 1246, the purpose of which amendment is to provide a State Military Defense Commission which as one body will include what has heretofore been the State Armory Commission and the Governor of the State of Maine. So that there is no problem of a Commission being subordinate to the Governor and no suggestion that the Governor would be in any way subordinate to the policy of the commission in military purposes.

Now if the Senate will please look at L. D. 1246 on page 2 of that document at the beginning of the black print the present document reads "A state military defense commission is hereby created which will consist of seven members one of whom shall be the Adjutant General who shall be the Chairman. The other six members shall be citizens of the state—"

On the same page, at the bottom of that page in black print we have, "The commission is further authorized and directed to cooperate with the Federal Government and/or municipalities, under the direction of the Governor—". There arises one of the problems which I have very briefly discussed. Senate Amendment A will do this to the bill: At the bottom of the page the first sentence of that black print will read as follows, "A state military defense commission is hereby created which shall consist

of eight members"—eight members instead of seven—"the Governor and Adjutant General and their successors shall be ex-officio members during their respective terms of office. The Governor for the time being shall be chairman." In other words, a state defense commission under the direction of the Governor.

The amendment proposes a defense commission which as a unit will include the Governor ex-officio as chairman.

Then at the lower part of the same page the phrase, "Under direction of the Governor" is stricken out, so that that shall read, "The Commission is further authorized and directed to cooperate with the federal government and/or municipalities in establishing and coordinating." One unit, one commission, with no suggestion of subordination of the committee to the Executive and no suggestion that the Executive should in any way be limited by or subordinate to the commission.

I offer Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A:—

"Senate Amendment A to S. P. 756, L. D. 1246, bill An Act Providing for Improvement in Military Preparedness. Amend said bill by striking out the third sentence in Section 1 thereof and substituting in place thereof the following underlined words, 'A state military defense commission is hereby created which shall consist of eight members. The Governor and Adjutant General and their successors shall be ex-officio members during their respective terms of office. The Governor for the time being shall be the chairman.' Further amend said bill by striking out in the eighth sentence of Section 1 thereof the words, 'Under direction of the Governor'."

Thereupon Senate Amendment A was adopted and under suspension of the rules the bill as amended by Senate Amendment A was given its second reading and passed to be engrossed.

Sent down for concurrence.

Out of order and under suspension of the rules, Mr. Friend of Somerset presented Resolve in Favor of the State Highway Planning Survey.

Mr. BURNS of Aroostook: Mr. President, if the resolve is not too long I would like to have it read for the information of the Senate.

The Secretary read the resolve.

Mr. FRIEND of Somerset: Mr. President, in a brief explanation I will say that it seemed to be necessary for the bill to come before the legislature, the plan being to have it referred to a committee and to have a hearing on it tomorrow. I have introduced the bill but I wouldn't know myself whether to be for the bill or against it. The idea was to have the hearing and get the full information before the Committee on Ways and Bridges and then the Committee will report back into the legislature tomorrow.

Thereupon, on motion by Mr. Friend of Somerset the bill was referred to the Committee on Ways and Bridges and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Authorizing a Bond Issue for Military Expenses (S. P. 757) (L. D. 1247), tabled by that Senator earlier in today's session pending assignment for second reading; and that Senator yielded to the Senator from Kennebec, Senator Marden.

Mr. MARDEN of Kennebec: Mr. President, the suggested amendment Senate Amendment "A" to this document, for the most part corrects certain phrases or wording which have not met with the approval of everyone concerned; the one substantial change being in Section 7 of Page 3 which amendment suggests that this measure will then be consistent with the amendment to Legislative Document 1246 which has just been adopted. Directing your attention to the bill for a moment; on the first page the fifth paragraph, the amendment offers the word "adequate" to be added after the word "without" so that the bill will read "Whereas, without adequate military preparation". In Section 1 on Page 2 certain commas are added to make clearer the intent of the clause, a comma added after the word "Governor in the first line, after the word "council" in the second line and after the word "appropriated" in the third line. In the headline

the word "War" is stricken out. In line 5 of section 2 the phrase "at any one time outstanding" is stricken out to avoid the suggestion that any of the proposed bonds are reissued. Section 7 now reads as follows, "The governor and the state military defense commission created by the 89th Legislature shall constitute a committee which is hereby charged with the duty of carrying out the provisions of this act and directing the expenditures of the proceeds derived from the war bond issue for the purposes set forth in section 1 hereof, and they are hereby authorized to cooperate with the federal government for the achievement of the said purposes." For the purpose of making this measure agree with Legislative Document 1246 and making the State military defense commission a unit rather than the policies for military purposes being determined by a committee and the Governor, the proposed amendment to that section will cause it to read as follows, "The state military defense commission created by the 89th legislature is hereby charged with the duty of directing the expenditures authorized in section 1 hereof, and they are hereby authorized to cooperate with the federal government for the achievement of the said purposes. The amendment is such that it strikes out clauses which have been omitted in the reading just now. I would like to offer Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment "A".

Senate Amendment "A" to S. P. 757, L. D. 1247, An Act Authorizing a Bond Issue for Military Expenses. Amend said bill by inserting in Line 1 of the fifth paragraph of the Emergency Preamble after the word "without" the word "adequate". Further amend said bill by inserting commas in section 1 after the word "governor" in the second line thereof, after "council" in the second line thereof, and after "appropriated" in the fourth line thereof.

Further amend said bill by striking out in the headnote in Section 2 thereof the word "War".

Further amend said bill by striking out in Section 2 after the figures "\$2,000,000" the following "at any one time outstanding."

Further amend said bill by striking out in the first sentence of Sec-

tion 7 thereof the words "governor and the" and by striking out in the first sentence of said section the words "carrying out the provisions of this act" and by striking out in the first sentence of said section the words "shall constitute a committee which".

Further amend said bill by striking out the words "of the proceeds derived from the warbond issue for the purposes set forth" and by substituting in place thereof the word "authorized".

Further amend said bill by striking out in the first sentence of Section 7 thereof the words "they are" and substituting therefor the words "it is".

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

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Resolve Providing for Additional State Police Facilities (S. P. 761) (L. D. 1249), tabled by the Senator earlier in today's session pending assignment for second reading.

Mr. SPEAR: Mr. President, if it is in order, as this resolve calls for money to be taken from the Highway Department for State Police purposes, I would like to have it committed to the Committee on Ways and Bridges, and I so move.

Thereupon, the resolve was committed to the Committee on Ways and Bridges

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Providing for the Custody of Federal Funds for Vocational Training (S. P. 758) (L. D. 1250), tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. SPEAR: Mr. President, I would like to have the Secretary read the bill, please.

Thereupon, the Secretary read the bill.

Mr. SPEAR: Mr. President, as I understand it, all this does is designate the State Treasurer as custodi-

an for federal funds to be paid to the State. Fifteen million dollars has been designated for allocation among the various states. I do know what amount this state will get. The national and state defense would be helped by these funds as well as capital and labor. If there is no objection, I move the rules be suspended and the bill be given its second reading at this time.

Thereupon, the rules were suspended and the bill was given its

second reading and passed to be engrossed.

Sent down for concurrence.

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

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at nine o'clock, Eastern Standard Time.