

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Ninety-first Legislature
OF THE
STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, February 2, 1943

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

Prayer by the Rev. Mr. Withee of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 183)

STATE HIGHWAY COMMISSION
STATE OF MAINE
AUGUSTA

January 27, 1943

To the Honorable Senate and
House of Representatives
Ninety-first Legislature
State of Maine

In accordance with the provisions of Chapter 18, Private and Special Laws of 1937, I submit herewith the second biennial report of the Maine-New Hampshire Interstate Bridge Authority.

(Signed) S. E. WOODMAN
Vice Chairman

Maine-New Hampshire Interstate
Bridge Authority

Came from the Senate, ordered placed on file.

In the House, the communication was read, and with accompanying papers, ordered placed on file in concurrence.

From the Senate: Bill "An Act Forbidding the Planting of Chippewa Potatoes" (S. P. 154) (L. D. 174)

Bill "An Act relating to the Dumping of Waste Potatoes" (S. P. 155) (L. D. 175)

Came from the Senate, referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate: Bill "An Act relating to Tax on Resources of Banks" (S. P. 137) (L. D. 144)

Came from the Senate, referred to the Committee on Banks and Banking.

In the House, referred to the Committee on Banks and Banking in concurrence.

From the Senate: Bill "An Act relating to Bonds of Probation Officers" (S. P. 141) (L. D. 145)

Came from the Senate, referred to the Committee on Counties.

In the House, referred to the Committee on Counties in concurrence.

From the Senate: Resolve in favor of Berwick Academy (S. P. 156)

Resolve in favor of Greeley Institute, in the town of Cumberland (S. P. 157)

Resolve in favor of Pennell Institute in the town of Gray (S. P. 158)

Came from the Senate, referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

From the Senate: Bill "An Act relating to Game Management and Game Management Areas" (S. P. 159) (L. D. 180)

Bill "An Act relating to Swan Island Game Preserve, Game Farm, and Game Management Area" (S. P. 160) (L. D. 176)

Bill "An Act relating to the Open Season on Foxes in York County" (S. P. 161) (L. D. 177)

Resolve relating to Perch Fishing in the Belgrade Chain of Lakes (S. P. 162)

Came from the Senate, referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate: Bill "An Act Defining the Word 'Teacher' under Teachers' Pensions" (S. P. 144) (L. D. 146)

Came from the Senate, referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate: Bill "An Act to Clarify the Purposes of United Baptist Convention of Maine" (S. P. 145) (L. D. 147)

Bill "An Act relating to sessions of Boards of Registration in Cities" (S. P. 163) (L. D. 178)

Came from the Senate, referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate: Bill "An Act relating to Registration of Farm Tractors" (S. P. 164) (L. D. 179)

Came from the Senate, referred to the Committee on Motor Vehicles.

In the House, referred to the Committee on Motor Vehicles in concurrence.

From the Senate: Resolve providing for a State Pension for George Shortier of Skowhegan (S. P. 165)

Came from the Senate, referred to the Committee on Pensions.

In the House, referred to the Committee on Pensions in concurrence.

From the Senate: Bill "An Act relating to Repayments to Municipalities from Appropriations of the Public Utilities Commission" (S. P. 147) (L. D. 149)

Bill "An Act relating to the Building and Maintenance of Highway Crossings of Railroads" (S. P. 148) (L. D. 148)

Came from the Senate, referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate, Bill "An Act in relation to Fees of Referees" (S. P. 121) (L. D. 153)

Bill "An Act relating to the Salary of the Judge of Probate for Androscoggin County" (S. P. 166)

Came from the Senate, referred to the Committee on Salaries and Fees.

In the House, referred to the Committee on Salaries and Fees in concurrence.

From the Senate: Bill "An Act relating to Licenses for Building Wharves and Fish Weirs" (S. P. 151) (L. D. 150)

Came from the Senate, referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate: Bill "An Act relating to White Mountain National Forest" (S. P. 167) (L. D. 181)

Resolve Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on the Public Lot in Caratunk Plantation (S. P. 168)

Came from the Senate, referred to the Committee on State Lands and Forest Preservation.

In the House, referred to the Committee on State Lands and Forest Preservation in concurrence.

From the Senate: Bill "An Act relating to Annual Audit of Municipalities" (S. P. 99) (L. D. 158)

Came from the Senate, referred to the Committee on Towns.

In the House, referred to the Committee on Towns in concurrence.

From the Senate: Bill "An Act relating to Notices of Changes of Locations of Certain Highways" (S. P. 152) (L. D. 152)

Bill "An Act relating to Highway Bridges" (S. P. 153) (L. D. 151)

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

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

Messages and Documents

The following Communication:

DEPARTMENT OF STATE
STATE OF MAINE
AUGUSTA

January 28, 1943.

Hon Harvey R. Pease
Clerk of the House of Representatives
Ninety-first Legislature

Dear Sir:

In compliance with Section 36 of Chapter 2 of the Revised Statutes, I have to report that a vacancy exists in the representation from the class towns of Van Buren and Grand Isle caused by the resignation of Honorable Elmer H. Violette of Van Buren January 15, 1943, which letter of resignation is enclosed herewith.

Yours very truly,

(Signed) Harold I. Goss

Secretary of State.

The communication was read, and with accompanying papers, ordered placed on file.

Bills and Resolves Requiring Reference

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Amending the Law relating to Deposits of State Funds" (H. P. 307) (Presented by Mr. Grua of Livermore Falls)

(Ordered printed)

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1944 and June 30, 1945" (H. P. 308) (Presented by Mr. Murchie of Calais)

(Ordered printed)

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-three and for the Year Nineteen Hundred Forty-four" (H. P. 309) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

Agriculture

Bill "An Act relating to the Protection of Livestock and Poultry from Dogs" (H. P. 335) (Presented by Mr. Smith of Newport)

(Ordered printed)

Sent up for concurrence.

Banks and Banking

Bill "An Act relating to Inactive Savings Accounts of Former Inmates of the State School for Boys" (H. P. 336) (Presented by Miss Deering of Bath)

(Ordered printed)

Sent up for concurrence.

Claims

Resolve in favor of the town of Portage (H. P. 273) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve in favor of Carroll Plantation (H. P. 274) (Presented by Mr. Boyd of Winn)

Resolve in favor of the town of Mattawamkeag (H. P. 275) (Presented by Mr. Boyd of Winn)

Resolve to reimburse the town of Troy for Money Expended for Snow Removal (H. P. 276) (Presented by Mr. Brown of Unity)

Resolve in favor of the town of Etna to Cover Expenses of Relief of Arthur M. Clewley and Family (H. P. 277) (Presented by Mr. Conant of Etna)

Resolve in favor of Arthur C. Lewis of Clarks Island (H. P. 278) (Presented by Mr. Emerson of No. Haven)

Resolve in favor of Harold N. Burrill of Canaan (H. P. 279) (Presented by Mr. Hamilton of Hartland)

Resolve to reimburse the town of Bar Harbor for Support of Vernon G. Smith (H. P. 280) (Presented by Mr. MacLeod of Bar Harbor)

Resolve to reimburse the town of Bar Harbor for Support of Lawrence B. Willey (H. P. 281) (Presented by same gentleman)

Resolve to reimburse the town of Bar Harbor for Support of Joseph D. Gagnon (H. P. 282) (Presented by same gentleman)

Resolve in favor of B. L. Taylor of Farmingdale (H. P. 283) (Presented by Mr. Thompson of Chelsea)

Resolve in favor of George C. Webber of Auburn (H. P. 284) (Presented by Mr. Williams of Auburn)

Resolve in favor of the city of Hallowell (H. P. 332) (Presented by Mr. Keller of Hallowell)

Resolve to reimburse the town of Newport for Support of Percy E. Brown and family (H. P. 333) (Presented by Mr. Smith of Newport)

Resolve to reimburse the town of Newport for Support of Fannie M. Morton (H. P. 334) (Presented by same gentleman)

Sent up for concurrence.

Education

Resolve in favor of Lebanon Academy (H. P. 310) (Presented by Mr. Staples of Wells by request)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Hunting Bear" (H. P. 311) (Presented by Mr. Anderson of Oxbow Pl.)

(Ordered printed)

Bill "An Act Prohibiting Trapping in Certain Territory" (H. P. 312) (Presented by Mr. Davis of Buxton)

(Ordered printed)

Bill "An Act relative to Hunting of Game Birds in York County" (H. P. 313) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to Open Season for Beaver" (H. P. 314) (Presented by Mr. MacKinnon of Mexico)

(Ordered printed)

Bill "An Act relating to Hunting of and Bounty for Foxes" (H. P. 315) (Presented by Mr. McFee of Richmond)

(Ordered printed)

Bill "An Act relative to Fox Hunting in York County" (H. P. 316) (Presented by Mr. Thompson of Chelsea)

(Ordered printed)

Bill "An Act Abolishing Game Preserves in York County" (H. P. 317) (Presented by Mr. Thompson of Chelsea)

(Ordered printed)

Resolve Regulating Fishing in York County (H. P. 318) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve Regulating Fishing in Round Pond (H. P. 319) (Presented by Mr. Davis of Buxton)

Resolve Regulating Fishing in York County (H. P. 320) (Presented by Mr. MacKinnon of Mexico)

Resolve Closing Cobbossee Stream and Tributaries to Muskrat Trapping (H. P. 321) (Presented by Mr. Marsans of Monmouth)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Special Deputies in Cumberland County" (H. P. 322) (Presented by Mr. Flagg of Portland)

(Ordered printed)

Bill "An Act relating to Counting Ballots" (H. P. 323) (Presented by Mr. Williams of Auburn)

(Ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to the town of Athens" (H. P. 337) (Presented by Mr. Milliken of Madison)

(Ordered printed)

Bill "An Act relative to Racing Commission" (H. P. 338) (Presented by Mr. Pearson of Kennebunkport)

(Ordered printed)

Bill "An Act relating to the Rules and Regulations of State Racing Commission" (H. P. 339) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to the Assessment of Taxes on Real Estate" (H. P. 324) (Presented by Mr. Blake of Dexter)

(Ordered printed)

Bill "An Act Authorizing the Conveyance of 'Baring Cemetery' to the 'Baring Cemetery Corporation'" (H. P. 325) (Presented by Mr. Murchie of Calais)

(Ordered printed)

Sent up for concurrence.

Maine Publicity

Resolve Designating the Baxter State Park Road (H. P. 326) (Presented by Mr. Ward of Millinocket)

(Ordered printed)

Sent up for concurrence.

Military Affairs

Bill "An Act relating to Employees in Military Service" (H. P. 340) (Presented by Mr. Goldsmith of Orono)

(Ordered printed)

Sent up for concurrence.

Pensions

Resolve providing for a State Pension for Clinton Sylvester of Ashland (H. P. 302) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve providing for an Increase in State Pension for Harry T. Beane of Augusta (H. P. 303) (Presented by Mr. Braley of Augusta)

Resolve providing for a State Pension for Alvin L. Batchelder of Webster (H. P. 304) (Presented by Mr. Day of Durham)

Resolve providing for a State Pension for Leeman Grant of Columbia Falls (H. P. 305) (Presented by Mr. Sawyer of Jonesport)

Resolve providing for a State Pension for Mrs. Abbie Spencer of Clifton (H. P. 306) (Presented by Mr. Williams of Clifton)

Sent up for concurrence.

Public Health

Bill "An Act to Enable Towns to Obtain State Aid in Securing Public Health Nursing Service" (H. P. 341) (Presented by Mr. Sayward of Kennebunk)

(Ordered printed)

Bill "An Act relating to Conduct of Persons who have Communicable Diseases" (H. P. 327) (Presented by Miss Clough of Bangor)

(Ordered printed)

Bill "An Act to Authorize and Provide for the Temporary Admission to Practice in this State of Physicians and Camp Physicians to Protect the Health of the Civilian Population during the War Emergency Period" (H. P. 328) (Presented by Mr. Payson of Portland)

(Ordered printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (Presented by Mr. Buker of Bath)

(Ordered printed)

Bill "An Act relating to the Compensation of the State Personnel Board" (H. P. 343) (Presented by Mr. Goldsmith of Orono)

(Ordered printed)

Bill "An Act relating to the Salary of the Recorder of the Houlton

Municipal Court" (H. P. 329) (Presented by Mr. Barnes of Houlton)
(Ordered printed)

Bill "An Act Increasing the Compensation of Members of the Board of Registration of Voters" (H. P. 344) (Presented by Mr. Haskell of Portland)

(Ordered printed)
Sent up for concurrence.

At this point a message was received from the Senate, through its Secretary, proposing a Joint Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to the Honorable Roane Waring, of Memphis, Tennessee, National Commander of the American Legion, to attend the Convention and to make such communication as pleases him.

Bills and Resolves Requiring Reference (Continued)

Sea and Shore Fisheries

Bill "An Act relating to the Taking of Sea Moss from the Shores Bordering the Territorial Waters of the State" (H. P. 345) (Presented by Mr. Prince of Orr's Island)

(Ordered printed)
Sent up for concurrence.

State Lands and Forest Preservation

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Aroostook County to Joseph David of Edmundston, N. B. (H. P. 346) (Presented by Mr. Lagasse of St. Agatha)

(Ordered printed)

Resolve authorizing the Forest Commissioner to Convey Certain Land to Enos Drumm, of Thomaston, Connecticut (H. P. 330) (Presented by Mr. Rollins of Greenville by request)

(Ordered printed)
Sent up for concurrence.

Taxation

Bill "An Act relating to Taxation of Shore Fronts on Lakes" (H. P. 331) (Presented by Mr. Rollins of Greenville)

(750 copies ordered printed)
Sent up for concurrence.

Towns

Bill "An Act to Divide the town of Ashland and to Create Sheridan

Plantation" (H. P. 347) (Presented by Mr. Anderson of Oxbow Pl.)
(1000 copies ordered printed)

Sent up for concurrence.

Ways and Bridges

Resolve in favor of the town of Springfield (H. P. 285) (Presented by Mr. Boyd of Winn)

Resolve in favor of the town of Winn (H. P. 286) (Presented by same gentleman)

Resolve in favor of the town of Lee (H. P. 287) (Presented by same gentleman.)

Resolve in favor of Carroll Plantation (H. P. 288) (Presented by same gentleman)

Resolve in favor of the town of Brooklin (H. P. 289) (Presented by Mr. Clapp of Brooklin)

Resolve in favor of the town of Sedgwick (H. P. 290) (Presented by same gentleman)

Resolve in favor of the town of Brooksville (H. P. 291) (Presented by same gentleman)

Resolve in favor of the town of New Sharon (H. P. 292) (Presented by Mr. Crosby of Farmington)

Resolve in favor of the town of North Yarmouth (H. P. 293) (Presented by Mr. Dunn of No. Yarmouth)

Resolve in favor of the town of Yarmouth (H. P. 294) (Presented by same gentleman)

Resolve in favor of the town of North Haven (H. P. 295) (Presented by Mr. Emerson of No. Haven)

Resolve in favor of the town of Lincoln (H. P. 296) (Presented by Mr. House of Lincoln)

Resolve in favor of the town of Glenburn (H. P. 297) (Presented by Mr. Leathers of Hermon)

Resolve in favor of the town of Hermon (H. P. 298) (Presented by same gentleman)

Resolve in favor of the town of Jonesport (H. P. 299) (Presented by Mr. Sawyer of Jonesport)

Resolve in favor of the town of Beals (H. P. 300) (Presented by same gentleman)

Resolve in favor of the Townships of Townshipp 1, Range 9, Township 2, Range 9, Township 2, Range 10, Township 3, Range 9, and Township 3, Range 10, Piscataquis County (H. P. 301) (Presented by Mr. Ward of Millinocket)

Resolve in favor of the town of West Gardiner (H. P. 350) (Presented by Mr. Keller of Hallowell)

Resolve in favor of the town of Manchester (H. P. 351) (Presented by same gentleman)

Resolve in favor of the town of Manchester (H. P. 352) (Presented by same gentleman)

Resolve in favor of the town of Harpswell (H. P. 353) (Presented by Mr. Prince of Harpswell)

Sent up for concurrence.

Welfare

Bill "An Act relating to Protection of Children" (H. P. 348) (Presented by Mrs. Roberts of Westbrook)

(Ordered printed)

Bill "An Act relating to Aid to the Blind" (H. P. 349) (Presented by Mr. Sayward of Kennebunk)

(Ordered printed)

Sent up for concurrence.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Goldsmith of Orono, be excused for the remainder of the present week because of illness.

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Usher of Gorham, Mr. Anderson of New Sweden, Mr. Dean of South Portland, be excused from attending this week. Also that Mr. Sawyer of Jonesport, be excused this week on account of illness.

House Report of Committee

Mr. Payson from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Aid the Prosecution of the War by Providing for the Creation of Local Agencies to Cooperate with the Federal Government in Making Housing Available for Persons Engaged in War Industries and Activities and by Granting Certain Powers to Public Bodies" (H. P. 23) (L. D. 9)

Report was read and accepted.

First Reading of Printed Bills

Bill "An Act relating to Writs of Error in Criminal Cases" (H. P. 21) (L. D. 26)

Bill "An Act relating to Jurisdiction of Trial Justices" (H. P. 22) (L. D. 8)

Bills were read twice and tomorrow assigned.

First Reading of Printed Bills With Committee Amendments

Bill "An Act relating to Sale of Lands of Deceased and in Insolvent Estates" (H. P. 9) (L. D. 2)

Bill had its two several readings

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 9, L. D. 2, Bill "An Act Relating to Sale of Lands of Deceased and in Insolvent Estates."

Amend said bill by striking out the period at the end of the 2nd paragraph thereof and by adding thereto the following, 'as amended.'

Further amend said bill by striking out all of section 2 thereof after the crossed out word "incapacitated" in the 23rd line of said bill and inserting in place thereof the following:

'had therein, free from the right of descent of the widow or widower. The executor or administrator shall pay to the widow or widower 1-3 of the sale price thereof in lieu of the 1-3 interest in such real estate which descended to such party free from the payment of debts. Such widow or widower shall be given such personal notice of the proposed sale as the court may order.'

Committee Amendment "A" was then adopted and tomorrow was assigned for third reading of the Bill.

Bill "An Act relating to Probation in Criminal Cases" (H. P. 20) (L. D. 25)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 20, L. D. 25, Bill "An Act Relating to Probation in Criminal Cases."

Amend said bill by inserting after the word "brought" in the 11th line from the end of the last paragraph of said bill the words 'by the probation officer'.

Committee Amendment "A" was then adopted and tomorrow was assigned for third reading of the Bill.

Orders of the Day

On motion by Mr. Sleeper, of Rockland, the House voted to concur with the Senate in the proposal for a Joint Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to the Honorable Roane Waring, of Memphis, Tennessee, National Commander of the American Legion, to attend the Convention

and to make such communication as pleases him.

The Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the above proposition for a Joint Convention.

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

In Convention

The President of the Senate in the Chair.

On motion by Senator Batchelder of York, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Roane Waring, National Commander of the American Legion, and inform him that the two branches of the Legislature are in convention assembled in the hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make. It was further

ORDERED, that the same Committee wait upon his Excellency, Sumner Sewall, Governor, and extend to him an invitation to attend the Convention.

The Chair appointed as members of such Committee: Senators Batchelder of York, Clement of Androscoggin, and Worthen of Penobscot; Representatives Savage of Skowhegan, Buker of Bath, Pearson of North Kennebunkport, Jordan of South Portland, Poulin of Rumford, Southard of Bangor, and Stephenson of Union.

Senator Batchelder for the Committee subsequently reported that the Committee had discharged the duties assigned it, and that the Honorable Roane Waring, and his Excellency, Governor Sumner Sewall, would be pleased to attend the Convention forthwith.

Thereupon, Governor Sewall, accompanied by Honorable Roane Waring, and attended by Hon. Walter T. Day, Commander of the American Legion of the State of Maine; Col. Edward Quinn, member of the National Executive Committee of the American Legion; Past Department Commanders Albert Greenlaw, Smith Dunnack, Paul Julien and Cecil Siddal; James L. Boyle, Department Adjutant; Paul F. Slocum, Grande Chef de Gare of the 40 and 8; and other

distinguished Legionnaires, and also by the Honorable Executive Council, entered the hall, the Convention rising and applauding.

The CHAIRMAN: Ladies and gentlemen of the Convention,—His Excellency, the Governor. (Prolonged applause)

GOVERNOR SEWALL: Mr. President and Members of the Convention: We are always delighted to welcome, we are always honored to have with us, the National Commander of the American Legion. This year more than ever, because we are in deep war. We look forward to hearing a message from a man who speaks for more than a million veterans of the First World War, and who is very close to those who lead our armed services and other officials in Washington. I am sure we all look forward with great pleasure to his message, and it is a great pleasure for me to introduce to you at this time Mr. Roane Waring, National Commander of the American Legion. (Prolonged applause, the audience rising).

NATIONAL COMMANDER ROANE WARING: Your Excellency, Governor Sewall, Mr. President, Mr. Speaker, and Members of the Joint Convention of the Legislative branch of the great State of Maine:

I welcome the opportunity to discuss with you briefly some of the problems that we of the American Legion are greatly concerned about in this year of war effort. They particularly concern you who are members of the Legislative branch of government of the great State of Maine, for it lies within your province to materially aid in the solution of some of these problems.

America has but one objective now, and that is to win this war, to win it, and win it as quickly as possible. To that end every citizen must devote his every effort, and by the same token our National government and our State governments must subordinate everything else to this one single objective. In doing this, however, there are certain fundamental and basic principles of American life and theory of government that we must bear in mind, lest in our war effort we drift too far away from these fundamentals and thereby make the return to the fundamentals too difficult when the peace is once attained.

We must be very careful lest in our zeal to center all of our efforts

on winning the war we permanently lose some of our democratic principles and fundamental rights, and lose thereby the very essence of our liberty that we are fighting to preserve. Eternal vigilance is the price of liberty.

We must be ever mindful that ours is a capitalistic system of government and not a Socialistic one nor a Communistic one. And by a capitalistic system of government, I mean a system that recognizes private enterprise—the right of the individual to labor in his own interests and to take and use for himself the income from that labor. Under this system, the farmer, with his tractor, purchased from the return of his toil is a capitalist, as is also the mechanic who owns his own tools. They are capitalists living under the protection of a capitalistic form of government, as much so as is the banker or the owner of a railroad. It is that system that recognizes the right of the individual to take and to use the fruits of his labor in the furtherance of his own personal undertakings.

A capitalistic government is a government that protects private enterprise, and encourages personal initiative,—a government that insures the laboring man a job and not a dole. This theory of government is one that has made America the greatest and most powerful nation on earth,—a nation of unlimited opportunities, where every man can start with an equal chance, advance as far and achieve as much as his own ability, his brain and strength and energy can carry him. Our theory of government has provided and guaranteed the protection that permitted the great industrial growth that has now enabled us to become the arsenal of the world, and this industrial growth was not, and never has been, subsidized growth.

In the comparatively short span of the life of our government, we have achieved this greatness, we have reached this industrial capacity, we have accumulated this wealth by the efforts of the individual citizens protected by their government in their enjoyments and exercising of their freedom of life, of liberty and of property.

Many of these ordinary peace-time enjoyments and rights and liberties we have to surrender in time of war. We are called upon to submit to many regulations, many restrictions,

and even to some regimentation, but this all is necessary, and it is perfectly acceptable to the patriotic citizen. He is willing to make any sacrifice, to give up any individual right, if it becomes necessary to achieve a war victory.

Nevertheless, we should ever bear in mind that these war-time restrictions and inhibitions are only temporary war measures, and ever before our eyes should we keep the cardinal and fundamental principles of our theory of life and government. Ever must we be mindful that ours is a government founded by the people, controlled by the people and exercising its authority solely for the benefit of the people. Fundamentally, it is a people's government and not a paternalistic system of government.

Our national government is a government of limited authority, exercising only such authority as the Federal Constitution cedes to it from the sovereign states that constitute that government.

This brings me on to the second point that I desire to discuss with you, and that is, the tendency that has existed during the last decade towards a strong, centralized Federal government, with the resultant weakening of the rights, powers and authorities of the several sovereign states. Right here let me pause and again let me preface this by saying that I am referring to the tendency towards a strong, central Federalized government that existed long before Pearl Harbor, and my criticism of this tendency is not directed at the assumption of any authority by the Federal government as a war-time measure and necessary for victory. This tendency in the last few years upon the part of the Federal government to usurp and use the prerogatives of the sovereign states is absolutely unjustified and unsupported under the Constitution and under the law of the land.

Nothing could be further astray from the fundamental principles upon which our Government was founded,—nothing at further variance from the written Constitution. These encroachments came about largely as the result of the depression, when local and state governments, faced with difficult problems, took the easy road of accepting Federal aid and thereby pawned part of their independence. They passed on to the Federal bureaus of govern-

ment many of the responsibilities and controls and authorities belonging purely to the sovereign state and to local communities of that State. This gave the bureaucrats a beautiful chance to blossom out and to further their encroachments upon local control and to encompass many State powers within Federal scope.

It correspondingly tended to deprive the States of their fundamental rights and their fundamental duties. This tendency is wholly foreign to our theory of government. This tendency has been furthered as the result of modern, stream-lined interpretations of the Federal Constitution. One can only wonder what the shades of Marshall and Storey and Taft would think about the modernistic trimmings that have been hung around the neck of the Interstate Commerce clause of our Federal Constitution. A strong, centralized Federal government, exercising authority and control over all of the local affairs and business undertakings of the citizens of the several states, was never contemplated by our founding fathers. Hamilton lost this issue to Jefferson. Down through the years we have grown to greatness as a group of sovereign states, bound together by Federal union of limited power. That government has preserved the sovereignty of the states. It has guaranteed the rights and freedom of the citizens of those sovereign states, and it has protected them in the sovereignty of their citizenship.

As a result of this great system of government, revolutions and drastic changes in its form and fundamentals have been avoided. It has lasted 165 years and it has become the most powerful, the greatest government on earth.

Nevertheless, in recent years, there has been a philosophy abroad, nurtured by those who apparently know little of, and care less for, the fundamental American ideals. This philosophy seems to assume that without altering a single word of our Federal Constitution, Federal government can be changed from one of limited authority to one of unlimited control over the sovereign states and the citizens of those states.

Unfortunately, our courts, who heretofore have been the jealous guardians of the people and the states' rights under the Constitution, have added much to the confusion, and have gone a long ways

in their stream-lined and modernistic interpretations of our great Federal Constitution.

In war-time, yes, the citizen will give his all. The state will cede its every right for the one purpose and the one purpose alone, and that is, the destruction of the enemy and the winning of the war. But let this ceding of rights be carefully guarded. Let the executive, the judicial and the legislative branches of every state government clearly pronounce their adherence to the fundamental principles of Americanism. That is, that the state, in the proper exercise of its power, is supreme, and is only limited by the provisions of its own Constitution and that the Federal government can only exercise such powers over the state and the citizens of that state as are clearly given to it by the Federal Constitution. The sovereign state must ever keep before it the fact that while it is willing to yield temporarily to the Federal government certain rights and privileges essential for the winning of the war, it must never lose permanently, either in the war effort, or in any other emergency, the basic rights and powers which are the state's very bone and very sinew. The ceding of any sovereign rights of the state to the Federal government must always be with a definite understanding and assertion that such rights and powers must be returned to the state when the emergency is over.

Again, we must be ever mindful and must ever guard against the infiltration of false and un-American ideologies into our system of American life. These ideologies seek to tear down the basic fundamentals upon which our government was founded, and under which it has prospered over all these years. These false ideologies seek to promote the theory that our fundamental government and the processes which have made it great are now out-moded; that they have outlived their usefulness; that the soundness of the preachings of our founding fathers can no longer be followed in this government of ours in a modern world; that our capitalistic system of government must stand aside as old-fashioned and out-moded and that we must experiment with a different type of modern government. These are the ideologies that have been preached for more than a decade and are infiltrating in some high places in this government of ours.

Too often these preachers of false

ideologies in seeking to array class against class, condemn as un-American and as the cause of all of our evils our capitalistic system of government.

I need only remind you that our whole system of government, the right of property, the right of free enterprise, the right of free contract, are founded upon capitalism; and that on this foundation, America has grown to be the land where the individual has the greatest opportunities, the citizen the greatest freedom, and the whole people the highest standard of living the world has ever known. If all this now be wrong, and capitalism has now become a curse, then first let those who now decry our capitalistic form of government point out examples of other countries where their theory of government has been tried, and where the people in those countries under their system of government have enjoyed anything like the freedom and material gains that we have enjoyed. They cannot do it. They cannot point it out.

It is indeed a sad commentary upon the intelligence and power of analysis of some of our American people that they give heed to some of these false prophets, and join the pack of howling wolves that are trying to devour our freedom, to destroy our form of government, to tear down our industrial institutions—those institutions that today are producing the ships, the planes, the guns and the tanks to meet the challenge and to defeat the dictators who are now trying to destroy the freedom of the world. Let those who decry a capitalistic state point out the socialistic state or the communistic state that is able to supply a world at war.

No, my friends, we have the greatest country in the world, and we do not want to change our form of government. We will not change it so long as America is consciously aware of these un-American activities, of these false ideologies, these alien doctrines that some of our own people, aided and abetted actively by the enemies from without, are seeking to instill, and so long as we fight and cast out of the temples of freedom these false dogmas. But that's our job in America. It is the job of every American. It is the job of every citizen, and especially the job of those entrusted with legislative, executive or judicial authorities, either in our State or in

our Federal governments. We should ever be mindful of what this country means to us and what the preservation of its ideals will mean to our children. We must not take it for granted. We must not sit sublimely by and feel that America, with all of its power and greatness and glory, is too strong, too powerful, to be undermined from within. It's our responsibility to militantly defend our American institutions. It is our job to keep America on the right course. It is our job to realize that America is great today because it was founded by men who sought freedom, and valued freedom more than life itself. They founded this government to offer freedom to people of all other lands.

To our shores have come the oppressed people from all the world. They came because they knew that under the protection of this government of ours they could live and prosper as free men. These immigrants from foreign lands came and joined with the sons of colonial America, and by their personal initiative by their private endeavor, by their courage, and by their pioneering, they have made America great.

From a small beginning on this eastern seaboard, our forefathers fought their way ever westward. Whatever they accomplished, and whatever they passed on to their sons and successors, they plowed it from the fields, they dug it from the mines, and they chopped it from the forests, and everything that they have accomplished, and everything that we have accomplished, came about and as a result of hard work, of effort, of sweat, of blood and toil by their personal efforts. By their individual initiative and with their own capital, protected by the American law of the land, they built this country of ours.

They made it a capitalistic country. Private capital is the foundation upon which our national wealth is built. Whenever communistic or socialistic ideologies strike at our capitalistic system of government, they are striking at the very basis of our own Americanism. They would reduce the free American working man to the status of a state-controlled peon. These are some of the things that we must guard against. We must guard against them especially in this war-time, when our every effort is necessarily and feverishly being directed to our own war undertaking.

Because it is then and there that these preachers of false and un-American doctrines, these leeches, that are seeking to suck the very life-blood of America, find an opportune time and a fertile field to spread their insidious doctrines.

As you face your important duties, and are called upon to enact the necessary laws for the great State of Maine, let me, in parting and with your permission, direct your attention to some of the things that are of momentous importance, not only to the Legislature of this State, but to every state of the Union.

Let me urge that all legislation be kept to a minimum. Our people are now engaged in bloody war. They should be concerned only with the new legislation that is absolutely necessary in our war effort and in the proper administration of the states' affairs.

The merit systems in government already established have made long strides toward efficiency in administration. They should by all means be preserved. The conduct of public business, as well as all private business, is already being hampered by the withdrawal of men for military duty. This, of course, cannot be helped and we gladly give them. Every effort should be made to preserve as far as possible the integrity and efficiency of our institutional merit systems of the several states.

The people of America are facing the greatest tax burden of all time. Governmental expenditures, both state and national, should be reduced on all non-essential activities. Unnecessary boards, bureaus and commissions with overlapping functions should, as far as possible, be eliminated. Over and above all, let's stop in our sovereign states

the spread of bureaucracy as we now know it in our Federal government.

Economy is important and essential now, because we must realize that we will be called upon and should go our limit towards rebuilding the lives of the war disabled and of the war widows and the orphans from this war.

Let us take a definite stand that secures the preservation of the sovereignty of the sovereign state, and insures the citizen his right of free enterprise and personal endeavor, his right to live his own life in his own way, protected and guaranteed by the Constitution of his country. (Prolonged applause, the Convention rising.)

GOVERNOR SEWALL: We are most appreciative, Commander Waring, for this very interesting and informative message.

Thereupon, the Governor, National Commander Waring, and suite withdrew, amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to its Chamber amid the applause of the House, the members rising.

In the House

Called to order by the Speaker.

The SPEAKER: The House is now proceeding under Orders of the Day.

If there is no further business, the Clerk will read the notices.

On motion by Mr. Braley of Augusta,

Adjourned until ten o'clock tomorrow morning.