

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, January 11th, 1927.

Senate called to order by the President.

Prayer by the Rev. C. E. Young of Hallowell.

Journal of previous session read and approved.

The President laid before the Senate the veto message from Governor Brewster on "Resolve Appropriating money to pay Claims Allowed by the Committee on Claims."

(The Secretary read the message.)

STATE OF MAINE

Office of the Governor.

Augusta, January 7, 1927.

To the Honorable Senate and House of Representatives:

There is submitted herewith, without my approval, a Resolve, Appropriating Money to Pay Claims Allowed by the Committee on Claims.

This Resolve presents forty-two claims against the State covering a great variety of matters that had been before the last Legislature throughout its session and were presented to the Executive in a blanket resolve in the closing hours of the session when it was impossible to give such a range of subjects the detailed consideration that their importance demanded.

It is contemplated under the Constitution that the Executive shall have five days in which to consider matters of this sort. It has always been a mooted question as to what action should be taken with measures which are held in abeyance by the adjournment of the Legislature.

The Constitution provides that measures of which the Executive does not approve shall be returned to the Legislature and "reconsidered" by them. Whether the Constitution contemplates the return of a measure only to a succeeding session of the same Legislature within the three days stipulated in the Constitution or whether it contemplates a return to a new Legislature is not clear. It seems to turn upon the proper construction of the pronoun "their" in the concluding words of the constitutional provision.

Reconsideration, however, of a matter which a Legislature has never officially considered seems technically difficult. It also presents the practical problem of reconsideration by more than one hundred members who have never previously considered the matter in any way.

It has been the practice in recent years to return measures of this sort to the new Legislature but the Secretary of State has no recollection of any case where such a measure has been enacted into law. It seems wise to defer to these precedents and return the Resolve but without implying an opinion that this procedure would be held constitutional if the matter shall ever come up for judicial determination.

The practical difficulty is also presented that this Resolve is for the fiscal year 1925 and that several of the claims with which it is concerned have now been adjusted in other ways.

An omnibus resolve of this character presents a peculiarly difficult problem to the Executive in exercising the limited legislative functions which are imposed upon the office of Governor by the Constitution of the State of Maine. It is hoped that serious consideration will be given to the equity of presenting claims of this character in a manner that will permit of their receiving the orderly consideration which their individual importance deserves.

When two-thirds of the members of the present Legislature have never had opportunity for considering any of these claims in any form or being informed as to their merit it does not seem appropriate for me to discuss them in detail and possibly prejudice the fair consideration which they will receive at your hands as the session shall progress. Certain of the claims involve the establishing of precedents which may present very serious problems in both government and finance as the years go by. If they shall severally meet with your approval after the proper consideration which you will give to them in the course of the session, the Executive will promptly act in accordance with the duty imposed upon him. It is perhaps sufficient now to say that it is my opinion that the Legislative power vested in the office of Governor is of an extraordinary character and only to be used upon an extraordinary occasion. The record of two years ago was perhaps a sufficient indication of this view.

Respectfully submitted,

RALPH O. BREWSTER,

Governor of Maine.

Mr. SMITH of Somerset: Mr. President, I move that the veto and

accompanying papers be laid on the table, that the same be printed and that January 19th be assigned as the day for considering this matter.

The motion prevailed.

The President laid before the Senate the veto message from Governor Brewster on "Resolve in Favor of the President and Trustees of Bates College for the Purpose of Forestry Work and Demonstrations in Forestry, for the Benefit of the Students of the University of Maine and the Several Colleges."

(The Secretary read the message.)

STATE OF MAINE

Office of the Governor,

Augusta, January 7, 1927,

To the Honorable Senate and House of Representatives:

There is submitted herewith, without my approval, a Resolve in Favor of the President and Trustees of Bates College for the Purpose of Forestry Work and Demonstrations in Forestry, for the Benefits of the Students of the University of Maine and the Several Colleges.

This Resolve was passed in the closing rush of the 32nd Legislature and was so far a departure from precedent as to require more time for consideration than was then available.

The practical and the constitutional difficulties of its reconsideration by a body that has never considered the principle or the policy that is involved are the same as have been pointed out in a preceding message. This Resolve constitutes a departure from our practice and plants a seed which might have a very considerable growth.

Respectfully submitted,

RALPH O. BREWSTER,

Governor of Maine.

Mr. CARTER of Androscoggin: Mr. President, that being a resolve, originally introduced by me at the instance of President Gray of Bates College, and having heard from President Gray that if possible he would like to have me table the message when it came back pending an investigation, I now move that the resolve and accompanying papers be tabled until January 19th, and the message of the Governor accompanying this resolve be printed.

The motion prevailed.

On motion by Mr. Bragdon of Arostook it was

Ordered. That the Secretary of State be directed to furnish a copy of the Maine State Year Book to each member and officer of the Senate.

On motion by Mr. Dunbar of Hancock, it was

Ordered. That all bills, resolves, orders, petitions and memorials for introduction in the Senate be placed in the hands of the Secretary of the Senate not later than four o'clock of the day preceding their introduction.

On motion by Mr. Dwinall of Knox, it was

Ordered. The House concurring, that the Superintendent of Public Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose.

Sent down for concurrence.

On motion by Mr. Buzzell of Oxford, it was

Ordered. The House concurring, that all committees are hereby directed to report to the Committee on Appropriations and Financial Affairs, all appropriations of money recommended by them and any acts or resolves recommended by them which amend existing statutes or resolves requiring an appropriation of money.

The committee on Appropriations and Financial Affairs is hereby directed to make record of said reports, and forthwith submit the same to the Legislature without changes therein. No act or resolve involving an appropriation of money shall be engrossed without having endorsed thereon, in addition to the usual endorsements of the officers of the Senate and House, the following, viz.:

"Examined and recorded by the committee on Appropriations and Financial affairs.

..... Chairman"

Sent down for concurrence.

At this point the President announced the appointment of Elwin H. Simons, of Gardiner, as Assistant Document Clerk.

On motion by Mr. Buzzell of Oxford, adjourned until tomorrow morning at ten o'clock.