

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

I wish to advise that it is my opinion that the retired members of the State Police should receive in addition to their present retirement pay such additional amounts as will equal one-half of the pay which will now be paid to members of their respective grades at the time of retirement, and this will include the new salary scale which becomes effective on the same day as this Private & Special Law set forth in Chapter 210, P&SL 1949, which I have quoted, because the two bills do become effective at the same time.

If you do not have sufficient money in your budget to take care of this increase in the retirement pay of your members who have retired, it will be necessary for you to go to the Governor and Council for funds to take care of this Act, because you cannot appropriate funds of the State Police when there are none available for this purpose unless there is a transfer from the General Highway Fund to the funds of the Maine State Police.

RALPH W. FARRIS
Attorney General

June 10, 1949

To Hon. Frederick G. Payne, Governor of Maine
Re: Electoral College

In going through the files of my late Deputy, Mr. Breitbard, I find a letter addressed to you by Henry Cabot Lodge, United States Senator from Massachusetts, which has to do with a bill pending before the 81st Congress consisting of a Constitutional Amendment for abolishing the Electoral College and the office of elector, but retaining the electoral vote as a counting device. You asked Abe's opinion on this matter.

While I was in Texas last fall attending the National Association of Attorneys General, Congressman Ed Gossett of Texas was one of our dinner guest speakers, and he talked about forty minutes on this subject. He stated that he was working with Senator Lodge on the matter of this Constitutional Amendment to abolish the Electoral College. After listening to his speech I was convinced that the Constitutional Amendment would be advisable. I have read some of the statements in the pamphlet which Senator Lodge sent you on March 3rd and I note that some of the same occurrences in Presidential elections were cited by Ed Gossett in his speech at Houston, Texas, last fall.

Of course they are quite convincing on the point that the Electoral College is outmoded and should be brought up to date, and they also indicate what might happen if the election of a President were thrown into the House of Representatives. . . .

RALPH W. FARRIS
Attorney General

June 10, 1949

To Honorable Frederick G. Payne, Governor of Maine

On May 11th one of your secretaries sent over to this office two letters with attached material from Mrs. J. E. Goodbar of Portland. The letterhead is that of the National Federation of Press Women, Inc. She called

your attention to a letter from Dr. J. W. Montgomery of the "Protestant Voice," then at 1021 McGee Street, Kansas City, Missouri, suggesting that she invite you to become a member of its Board of Directors. She also enclosed a copy of the statement of policy of this publication and a copy of a questionnaire.

It is very risky, in my opinion, for a Governor of a State to associate himself as a board member or a director with an organization about which he knows nothing and from which he would probably obtain no benefit. It seems to me that there is no need for a national Protestant newspaper, as all newspapers should be non-denominational, the Constitution of the United States having placed a bar between State and Church. Article I of the Amendments to the Constitution of the United States provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . ."

Section 4 of Article I of the Constitution of Maine provides:

"Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; . . ."

Therefore it is my opinion that any publication on a religious basis, whether Catholic or Protestant or other, would not be healthy nor successful.

The first question in the pamphlet sent by Mrs. Goodbar is: "Why is this effort being made?" and the answer is, "Because conditions of our time demand a strong Positive Protestant influence and front." In other words these people are trying to make the "Protestant Voice" a public enterprise. Question 22 is "Why do they not continue on the present basis?" Answer: "Because they understand that as a private enterprise it can never have the scope it should nor fulfill the mission for which it came into existence." In other words they are trying to get the President of the United States and the Governors of the several States behind this Protestant movement. One cannot know without long investigation what is behind these organizations. This one may be a Communist-front organization in the making, and one whose affairs I advise you to avoid. . .

RALPH W. FARRIS
Attorney General

June 11, 1949

To H. H. Harris, Controller

I have your memo of June 6th relating to Chapter 21 of the Resolves of 1949 which provides:

"That there be, and hereby is, appropriated the sum of \$110,000 from the general fund of the state for the purpose of defraying the cost of the temporary salary increase for state employees, as already authorized by the personnel board, for the remainder of the present fiscal year."