

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**

HOUSE

Wednesday, May 29, 1940.

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

Prayer by the Rev. Mr. Stiles of Augusta.

Journal of the previous session read and approved.

From the Senate: Bill "An Act to Encourage Development of Maine's Resources" (S. P. 733)

Comes from the Senate, received by unanimous consent and referred to the Committee on Mines and Mining.

In the House:

Mr. EMERY of Bucksport: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Bucksport, Mr. Emery, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. EMERY: Mr. Speaker, I would like to call the attention of the members to an agreed statement of facts regarding this measure which has been placed upon your desks this morning, and, without going into any further detail regarding this matter, I would simply beg of you to look this over carefully before you pass judgment on this Bill. I made quite a lengthy statement for me regarding it when it came up before, and I would not feel called upon to go into any more detail personally on the matter except to say that I am whole-heartedly behind it, because I feel it involves the best interests of the State.

Mr. NOYES of Franklin: Mr. Speaker, I too feel—

The SPEAKER: The gentleman from Franklin, Mr. Noyes, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. NOYES: Mr. Speaker, I feel that this is a just Bill. I was a member of the Legislature in 1935 that passed the original Bill which this Bill amends. At that time we neglected to allow a company to mine under water. We allowed any company to go in and mine on State-owned lands. The State of course gets 5 per cent of the revenue. We neglected to add to that

Bill that they could go under water. This particular mine at Cape Rozier, the vein extends under water, and the company will not come in and start to operate that mine unless they can continue in the vein.

The purpose of this Bill is to allow this company or any company to come into the State of Maine and go under water to take the ore. I hope unanimous consent is granted.

The SPEAKER: The Clerk will read the Bill.

The Bill was then read by the Clerk.

The SPEAKER: This Bill comes from the Senate, received by unanimous consent in the Senate, and requires for its introduction in this body the unanimous consent of the House. Is there any objection?

The Chair hears objection and the Bill is automatically referred to the Ninetieth Legislature.

From the Senate: Report of the Committee on Appropriations and Financial Affairs on Bill "An Act providing that Purchases for the Highway Commission shall be made by the State Purchasing Agent" (S. P. 709) (L. D. 1215) reporting that it be recommitted to the Committee created to study the financial and functional activities of State Departments.

Comes from the Senate, report read and accepted.

In the House, the report of the Committee was accepted in concurrence, and the Bill was recommitted to the Committee created to study the financial and functional activities of State Departments in concurrence.

The following Bill was received, and upon recommendation of the Committee on Reference of Bills, was referred to the Committee created to study the financial and functional activities of State Departments:

Bill "An Act relating to the Duties of the Treasurer of State" (Presented by Mr. Miller of Bath)

On motion by Mr. Miller, 500 copies ordered printed.

Sent up for concurrence.

Under suspension of the rules Mr. Leveque of Lewiston, was granted permission to introduce the following Resolve out of order:

STATE OF MAINE

In the Year of our Lord, Nineteen Hundred forty.

RESOLVE Creating the Committee for the Organization of Maine Defense.

Committee for the organization of Maine defense, created.

RESOLVED: that there be, and hereby is, created "The committee for the organization of Maine defense" to be composed of the following members:

Chairman, Col. Wm. N. Campbell, Sanford; Wingate Cram, Bangor; Benjamin Dorsky, Bangor; Dana Douglas, Portland; Guy P. Gannett, Portland; Edward M. Graham, Bangor; Richard A. Hebert, Portland; Fred D. Jordan, Bangor; George W. Lane, Lewiston; Col. Frank E. Lowe, Portland; William S. Newell, Bath; Philip M. Payson, Portland; F. Ardin Richardson, Strong; Sherman N. Shumway, Bangor; William B. Skelton, Lewiston; Paul M. Thurston, Rumford; Walter S. Wyman, Augusta.

This committee shall study the possibilities of civilian cooperation in preparing for adequate defense, including production and distribution, policing, and any field in which the citizens, including organizations and corporations, might assist; and be it further

RESOLVED: That there be, and hereby is, created "The Maine defense advisory committee" to be composed of the following members:

Chairman, Ex-Governor Percival P. Baxter, Portland; Ex-Governor Louis J. Brann, Lewiston; Chief Justice Charles P. Barnes, Houlton; Justice Albert Beliveau, Rumford. Pres. Clifton D. Gray, Bates College, Lewiston; Pres. Kenneth C. M. Sills, Bowdoin College, Brunswick; Pres. Franklin W. Johnson, Colby College, Waterville; Pres. Arthur A. Hauch, U. of M., Orono; The Head of American Legion, The Head of Veterans of Foreign Wars, The Heads of Women's Auxiliaries, The Head of Veterans of Spanish War; The Head of Business and Professional Women, The Head—Daughters of American Revolution, Malcolm L. Stoddard, Togus; Cornelius J. Russell, Bangor; Rev. Bishop McCarthy, Portland; Bishop Brewster, Portland; Robert Braun, Portland; Fulton Redman, Portland; Edward Quinn, Portland; Henry Benoit, Portland; Jacob Berman, Portland; Max Pinansky, Portland; Frederick

Payne, Augusta; Blaine Viles, Augusta; E. Farrington Abbott, Auburn; Henry Dingley, Auburn; George Davis, Auburn; Kenneth Roberts, Kennebunkport; Blinn Page, Skowhegan; Roy L. Fernald, Winterport; J. B. Couture, Lewiston; Wilfrid Landry, Biddeford; Louis B. Lausier, Biddeford; Mayor George Thompson, Belfast; Mayor Paul Dondas, Waterville; Mayor Fernand Despins, Lewiston; Mayor Kenneth Green, Auburn; Mayor Edwin Ladd, Gardiner; Col. Daniel Dexter, Lewiston; James Moriarty, Lewiston; Charles P. Lemaire, Lewiston.

This committee shall act in an advisory capacity for the committee for the organization of Maine defense.

Both committees shall have the right and power to increase their membership and fill any vacancies therein.

The members of these committees shall receive no compensation for their services nor reimbursement for any expenses incurred in the performance of their duties.

On motion by Mr. Leveque, the Resolve was referred to the Committee on Military Affairs and sent up for concurrence.

Orders

Mr. Sleeper of Rockland, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Select Committee to study State Departments forthwith summons the Honorable Fulton Redman to present himself before said committee and impart to it fully and completely the information that he so valiantly boasts he possesses concerning the Auburn robbery and other vital State matters.

Mr. SLEEPER: Mr. Speaker and members of the House: I wish to explain myself before this Order is passed upon. The Order was not put in for publicity, and I did not even put it in the way in which the man I wish to appear before this committee has stated. It is not hypocritical. I am serious in that Order. I have sat around here and I have seen a certain individual skulking through the cloak room, stalking through the corridors, sending messages down that are hurting you and I, Democrats and Republicans alike, and we do not

like it. I have heard and seen utterings and mutterings, whatever they may be, advanced in Section 7-C of a certain publication in this State, and going to Section 2-A, the most valuable part of the paper, the one which everyone reads.

People are beginning to believe some of the things that he says, and to show that I am sincere, perhaps the man is right. If he really knows anything, I think we ought to give him the opportunity to impart it to this committee.

Doesn't he realize that by holding back this information he might be an accomplice after the crime and can be arrested? Perhaps he is an accomplice before the crime and does not wish to be arrested. I am serious about this; I think if this individual or man really has any information of value to the State, and if he puts the State above party principles, and if he really wishes to help us, that he will help us solve this problem.

Unkind critics say that perhaps he is saving up for the election in September. Still more unkind critics say he is saving it for an "I told you so" alibi after he is defeated. I do not know anything about it, but I say he either ought to put up or shut up. I say, if he has got anything to say, that he ought to say it.

I make the motion that the Order be given passage and that Mr. Redman be summoned forthwith to tell the committee most interested everything he knows, if he really knows anything. (Laughter)

Mr. WALLACE of Sanford: Mr. Speaker, I stand behind the gentleman from Rockland, Mr. Sleeper, on that argument. If this man Redman knows anything, let us find it out. I am a Democrat. (Applause)

The SPEAKER: The question before the House is on the passage of the Order introduced by the gentleman from Rockland, Mr. Sleeper. Is it the pleasure of the House that the Order have passage?

The motion prevailed, the Order received passage and was sent up for concurrence.

Mr. Good of Monticello, presented the following Order and moved its passage:

ORDERED, that the Speaker of the House shall forthwith appoint three physicians who shall examine the former Controller, William A. Runnells, and forthwith report to

the House as to whether or not Mr. Runnells is in such physical condition as to permit him appearing before the House for examination in regard to his performance or non-performance of the duties of his former office.

Mr. MAXIM of Portland: Mr. Speaker, it appears to me offhand that this is distinctly a thing which should be referred to this investigating committee. I can see no point in this House staying in session for the purpose of examining Mr. Runnells. The best information and latest information which I have had was that he is still in no condition to appear before this House or before any committee. I therefore move that this Order be referred to the committee which has already been appointed, the joint committee of the two bodies to investigate this matter of State finances.

The SPEAKER: The Chair will state to the gentleman that the Order as drafted is a House Order, whereas the committee to which he moves reference is a Joint Committee, therefore the motion for reference would not be in order.

Mr. GOOD: Mr. Speaker, I did not present this Order with the idea of being critical, but I feel that it is about time that the Legislators have an opportunity to find out, if there is anything to find out, in regard to this situation, and I thought that this would be a proper source from which to find out.

It appears to me that we have been here now several days. I do not think we have gone too far. We have got a committee, and they had a hearing yesterday. As I understand, there is a divided report coming in, and the Legislators are going to be asked to take some action, and yet many of us did not even hear what the evidence was. It does not seem to me that \$150,000 can be taken from the State and only one man in the State know anything about it. I think other people will talk, and if there is anything about it that the Legislature should know, I think we should be able to determine what we should do and not pass the buck to the committee and ask them to decide it altogether and then go home and tell our constituents that we have given it to a committee and that we hope they will find out something. I have confidence in the committee and feel that they will do every thing in their power, but unless somebody talks, or unless somebody

tells us something, we are not going to get very far. I move the passage of this Order.

On motion by Mr. Bird of Rockland, the Order was tabled pending passage.

Mr. Varney of Berwick presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Superintendent of Public Buildings be directed to make available and suitably equip the Legal Affairs Room, so-called, for the use of the Joint Select Committee appointed to study State departments.

The Order received passage and was ordered sent forthwith to the Senate.

The **SPEAKER**: Is it the pleasure of the House that such Joint Orders as have received passage this morning be sent to the Senate forthwith?

The motion prevailed.

Reports of Committees

Referred to the 90th Legislature

Mr. Batchelder from the Committee on Judiciary on Bill "An Act Enlarging the Powers and Duties of the State Auditor" (H. P. 2253) (L. D. 1218) reported that it be referred to the 90th Legislature.

Report read and accepted and sent up for concurrence.

Ought to Pass

Mr. Hinckley from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Amending the Farm Lands Loan Act" (H. P. 2255) (L. D. 1217)

The report was read and accepted and under suspension of the rules the Bill was given its three several readings, passed to be engrossed and sent up for concurrence.

Mr. Paul from the Committee on Motor Vehicles reported "Ought to pass" on Bill "An Act Repealing the Law Requiring Guaranty of Titles of Motor Vehicles" (H. P. 2257) (L. D. 1219)

Mr. PAUL of Portland: Mr. Speaker and members of this 89th Legislature: I would like the privilege of making a few remarks pertaining to this piece of legislation. I would like just briefly to refer to the passage of this Bill at the regular session. I refer to the history of the so-called Title Law. When we came to the Legislature

for the session in January of 1939, I never had known or heard anything of the so-called Title Law. One of our first duties after we arrived in Augusta was to sit in with the administrative officer of the automobile laws, at which time there was presented to us other laws that appear in other states and which are being worked out very satisfactorily. About two weeks later there were two Bills prepared by the Attorney General's department and I understood at that time, at the suggestion and recommendation of the State Police. One of those Bills had to do with the establishing and setting up of the requirements of the title and the other one the establishing and setting up of the cross-file, that is, of the serial and motor numbers. I was somewhat familiar, having been an attorney for twenty-five years, with the theft of automobiles, but I never had given it serious consideration as to whether or not this Legislature should adopt any law pertaining to the subject matter.

Now those bills were given hearings, the usual advertised hearings, and there appeared before our committee some twelve or fourteen interested citizens, some representing insurance companies and others representing finance companies. The State Police took an active part before our committee and, after what we considered a thorough study, the committee finally determined and voted to bring out a combined Bill, with the understanding that this combined Bill would be drafted with the assistance of the administrative officers, consisting of the Secretary of State and his Chief Clerk who has been one of the chief administrative officers in that office for the last twenty-five years. That draft was worked out with those people, the Revisor of Statutes and another individual whose name I do not recall. I think he was from Boston and was visiting at that time in Augusta.

Regardless of the merits or demerits of this law, I want to assure you that your committee used its best judgment in what was finally drafted in this combined Bill. It was reported to us, and it has been since confirmed, that there were thirty-three other states that have a title law and, so far as we were able to learn, those states were working the problem out in a very satisfactory manner. The law was a protective

measure as we were told in that committee; that there were hundreds of cars stolen and that there were rackets conducted in this State. If there was any piece of legislation that we thought we could pass which would in some way curtail the theft of cars and assure motorists, when they purchased a car that they bought a good title, we felt justified in reporting this Bill out.

Now since this law has become a law, a great deal of confusion has arisen, and I consider it a good deal of misinterpretation as to the law, but the confusion has been overwhelming. But, ladies and gentlemen, we had no way of anticipating that; we had no way of knowing what the public sentiment was going to be. Every individual of this State was given notice to appear and I want to assure you that no committee can be assured that a law which they are going to present is going to meet the public sentiment.

There was so much confusion as to the administration of this law and the existence of the law in October, 1939, that I was astounded and dumbfounded. At that time I predicted that unless that confusion was cleared up and the law administered as we felt that it should be and understood it was going to be, that the law should be repealed forthwith.

Now at our committee hearing yesterday, there were probably twenty-five people present but eight or ten took part in the discussion. The Maine Automobile Association goes on record with a letter suggesting that the State adopt a simplified form of title for the motorists, and I think they are perfectly justified in recommending a simplified form. However, at this time we have been informed through the Press and other sources and by personal contact that this is probably one of the most unpopular measures ever passed in the State of Maine and, for that reason yesterday, it was my privilege and pleasure to move in committee that the law be repealed immediately, and I say that we should annex to this Bill an emergency clause in order that the law may be repealed without further registration of title in this State. I do believe, however, possibly not in the time of any member of this House, but undoubtedly in my own mind, sometime in this State, we will have a title law. I believe we will be forced to do so

to protect our motorists. With those remarks, Mr. Speaker, I wish to present House Amendment "A".

The SPEAKER: Will the gentleman defer presenting the amendment until the acceptance of the committee report?

Is it now the pleasure of the House to accept the "Ought to Pass" report of the Committee on Motor Vehicles on Bill "An Act Repealing the Law requiring Guaranty of Titles of Motor Vehicles"? The Chair recognizes the gentleman from Auburn, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, may I request the Clerk to read the Bill which forms the subject matter that was before the committee?

The SPEAKER: The Clerk will read the Bill.

(Bill read by Clerk)

The SPEAKER: The question before the House is on the acceptance of the committee report. The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I would like to ask a question, through the Chair, of the gentleman from Portland, Mr. Paul.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, asks a question, through the Chair, of the gentleman from Portland, Mr. Paul. The gentleman may answer if he desires.

Mr. BURGESS: Mr. Speaker, I would like to have Mr. Paul explain in simple terms just what this Bill does, that is all. Does it repeal the whole thing?

The SPEAKER: The gentleman from Portland (Mr. Paul) may answer if he desires.

Mr. PAUL: Mr. Speaker, this Bill repeals the title part of the law. It does leave the cross-index of serial and motor numbers, which is a very necessary service in the Secretary of State's office. If this Bill is enacted it will eliminate the entire title element of the law and allow only such part to remain as is considered by the administration officer as absolutely essential for the interest of their office and the motoring public.

Mr. BURGESS: Mr. Speaker, I would like permission to ask another question of the same gentleman.

The SPEAKER: The gentleman may ask another question, through the Chair, of the gentleman from Portland, (Mr. Paul).

Mr. BURGESS: Will the requir-

ing of this additional information cause our people any unnecessary inconvenience?

The SPEAKER: The gentleman from Portland (Mr. Paul) may answer if he desires.

Mr. PAUL: Mr. Speaker, in answer to the question, I understand it is the same information that has always been required. This puts it back in status quo, the same position we were in before.

Mr. SHESONG of Portland: Mr. Speaker, may I ask the gentleman from Portland, Mr. Paul, a question?

The SPEAKER: The gentleman from Portland, Mr. Shesong, asks a question, through the Chair, of the gentleman from Portland, Mr. Paul.

Mr. SHESONG: Mr. Speaker, I would like to ask the gentleman from Portland, Mr. Paul, if he can explain to us the difference between the document now under discussion, L. D. 1219, and the Owen Bill, so-called, L. D. 1227. Is the gentleman familiar with that?

The SPEAKER: The gentleman from Portland (Mr. Paul) may answer if he desires.

Mr. PAUL: Mr. Speaker, L. D. 1227 is not a repeal. It is an amendment striking out the fee, but allowing the service to be just as it is today. That is the chief difference in the two Bills. There was considerable agitation about the amendment. In other words, after everything had been set up, there were several individuals who felt it was a pity to have it repealed in toto. This amended Bill was worked out to allow the law to remain, but striking out the fee.

Mr. SHESONG: Do I understand, Mr. Speaker, that the tracing of stolen cars and cars improperly registered may be done under L. D. 1219?

Mr. PAUL: This may be done more readily than ever before due to the cross-index of the serial and motor numbers.

Mr. SHESONG: Does this Bill L. D. 1219 meet with the approval of the Secretary of State's office?

Mr. PAUL: It does; that is, the Secretary of State sat in the committee meeting and made no remarks.

Mr. SLEEPER of Rockland: Mr. Speaker, I wish to add just a word before these Bills are finally taken up. I sat here in the last session of

the House, the regular session, and I voted for the Title Law, thinking that it was a very good Bill, and I still think so. That Bill came out of the committee, consisting of seven members on the part of the House and three on the part of the Senate, a bi-partisan committee of ten, who voted "Ought to pass," and the House accepted the report and we all voted for it. There was not a roll call vote or even a rising vote. Nobody objected and this entire House went on record in favor of this Bill. By so doing, we all realized that we sealed the Bill with our approval and we realized that the Bill had merits.

After getting back to my people at home—that is the old expression—seriously, I do not have much of these contacts, and no one seems to know I am over here. (Laughter) I did not have any complaint as to the nature of the Bill, and it was with a great deal of interest I heard that thirty-three other states had the same Bill.

I did, however, get a lot of complaints about the dollar. People hate to be hit in the pocketbook, and the only real complaint against this Bill was that one dollar fee. Several garage men, several business men, and several other men, if I can put them in that category, complimented me on the fact that this Bill was the only decent and sensible law that we passed last winter except for the one dollar. (Laughter)

A prominent dealer in cars told me that he was glad his industry was honored in being put on the statute books so far as concerned the change of property. If you buy even a thousand dollar house or a two hundred dollar shack, you have to go to the court house and have the deed recorded and pay a lawyer three or four dollars. Until the passage of this Bill, when you bought a \$3,000 Packard or Cadillac, there wasn't any paper to prove it was yours. There was no evidence of the transaction. But this thing really puts the automobile business on a sound business-like basis. I will make the motion, if I can make a motion of this nature, that the Bill just referred to be indefinitely postponed and will ask that we support the Bill of the Senator from Kennebec, Senator Owen, which merely takes out the dollar, and then they will not say that we sat here and let something be pulled

over our eyes. We all know what the Bill was and we voted for it, and are we going to be foolish enough to say we did not know what we were doing then? We were all over twenty-one and we had to be, in order to be elected. So I make the motion that the Bill just read be indefinitely postponed, and that action be taken as soon as possible on Senator Owen's Bill, L. D. 1227.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the Report of the Committee on Motor Vehicles, "Ought to pass," on Legislative Document 1219, with the accompanying Bill, be indefinitely postponed.

Mr. THOMPSON of Castle Hill: Mr. Speaker, I had a little experience in getting my car registered. I sent to Augusta and got instructions and it took about two weeks to get those instructions. Then, as I sat to work to fulfill them and went to our Excise Tax Collector, who is also Town Clerk, he said, "You do not need them at all; that is not necessary." So I followed the Town Clerk's instructions and when I got down there I presented my papers at the window and the girl said, "They are not right; you have got to go and do some more work." So I fell back upon the State Officer and he said, "You have got to get your plates, haven't you?" I said, "I have." So he steered me in another direction. Finally I filled out another blank which they gave me at another window and took it back to the third window and eventually received my registration blanks. This is what I have been told all over my district.

I have not heard so much opposition to the dollar as to the difficulties of getting a chance to pay the dollar, although of course we do not like to pay the dollar either. I think there is a great deal of difficulty in the administration as well as in the payment of the fee.

Mr. PAUL: Mr. Speaker, when this law was considered, there appeared before us many experts who had set it up in other states, and it was the understanding of the committee that we would have a system which had been adopted and used very satisfactorily in other states. For instance, in Illinois, in the city of Chicago we were told—and we verified that before the adoption of the Title Law—there was an average of a hundred and

thirteen cars stolen every day and, after the Title Law was adopted, that was reduced to thirteen.

Now the system of operation of this law we understood would be following along with those other states which have proven the method was practical in working it out.

Mr. BROWN of Caribou: Mr. Speaker, I think we should follow the suggestion of the gentleman from Portland, Mr. Paul, and enact the Bill as written to repeal the whole of the present Title Law. I know the people all over the State of Maine, at least those in Aroostook County, have been very much disgusted with it. I do not think it is so much on account of the fact that they had to pay a dollar as it is the annoyance and trouble which they have had to go to in order to get a title for their car.

I know that since I came here I have had about thirty telegrams asking me to do certain things or attempt to do certain things, and one of the things in every one of those telegrams I was asked to do was to help repeal the Automobile Title Law. I was present at the Republican Convention in Portland, which unanimously went on record as demanding the repeal of this Title Law, and I want to say that I am thoroughly in sympathy with repealing it, and I think it is our duty to do so, as the people of the State of Maine have found it to be very unpopular. After all, we wish to legislate as the people want us to, and if we find that a law is unpopular, I think it is our plain duty to repeal it.

Mr. MARSHALL of Auburn: Mr. Speaker, I share my responsibility with the other members of the House for the passage of the law as it stood on the books after adjournment in 1939. I may say I did not realize the reaction that we would have to that law, because it looked to be perfectly innocuous as it passed through the several readings that we had here. I do not know what was said about it, but it did go through. I did not hear any remarks. But I registered a car in August of 1939 and I had great difficulty in doing it because I purchased it from an individual and not a dealer. Later, in 1940, I registered a car and it was not as difficult.

I do want to say this as a lawyer: This title law does not prove anything.

I recall the remarks of the member from Portland, Mr. McGlauffin on a certain bill, and he said if some one wanted to or had the will to violate the law, that they recognized no law and they would persist in violating it. We have the age-old doctrine of caveat emptor, which means "let the buyer beware," and we have passed a law which prevents the purchaser from using his head or his brains or his wits in dealing with somebody at arms' length. This particular Title Law as it stands on the books is simply this: You go to the Bureau of Motor Vehicles and you represent as a layman that the man who previously owned this car had title to it. You know nothing more than you accepted his word for it and the Secretary of State accepts your word. The objectionable part is this: The average layman does not appreciate the legal ramifications of his assertions, and that is, if you buy a car on time, on a Holmes note mortgage or a conditional sale, you are not the legal owner of that car; you only hold an equitable title; and, if you meet the payments when they are due until all of the note is met you will later become the legal titleholder of that car.

Now I find there are a great many people in the State of Maine who object to that, who object to exposing to somebody that they are buying things on time, that they are paying for property on which there is a mortgage.

Now I can go down to the Registrar of Motor Vehicles and register an automobile and I say the legal title of the car is in me. That record goes into the Secretary of State's office, and tomorrow I may go and put a mortgage on the car, which changes the whole picture of the thing, and somebody goes and looks at that slip and they find that I am the legal title-holder of that car. That individual may be a layman. He may feel that all that he has to do is to look at the Secretary of State's records, and, if it appears on those records that I am the legal title-holder of that car, he does not have to look and further, when, in fact the whole situation has changed. I do not think it means one single thing.

So far as the theft of cars, I have not heard of any records in Maine of any great number of cars purchased here that are stolen. Undoubtedly there are some. But I

say to the members here this morning: The people of Maine will have to use their good judgment to be absolutely sure that the car that they buy is sold to them by a party who has the title to transfer to them individually, and we cannot pass any law here which will guarantee to them that they won't have to use that kind of judgment.

Now I say furthermore: When we passed that law in 1939 we did not realize the power of the Secretary of State to ask a number of questions which have become very objectionable to the public. We hear from Washington, incidentally, that too much power has been delegated to administrative officers. The objectionable part of this measure to me is the assertion in that Bill that the Secretary of State shall be empowered to ask such questions as he may deem advisable. I think it ought to be incorporated in this Bill or the report of the committee what questions the Secretary of State is going to ask and the outline of the form of application, so that when we adjourn here we will know what power we have delegated to an administrative officer of the State. Furthermore, I hope this Bill will be amended so that we will deal justly and fairly with those who have already been penalized by the payment of a dollar so they will be on the same footing as those who registered their cars subsequently. (Applause)

Mr. DOWNS of Rome: Mr. Speaker, for the purpose of information, I would like to ask a couple of questions of the gentleman from Portland, Mr. Paul, through the Chair.

The SPEAKER: The gentleman may ask his question.

Mr. DOWNS: Mr. Speaker, I would like to inquire of the gentleman from Portland, Mr. Paul, if the cross-index system is maintained, how will that affect the present office and clerical force which has been set up to handle this particular title law?

The SPEAKER: The gentleman from Portland, Mr. Paul, may answer if he wishes.

Mr. PAUL: My understanding, obtained from the Secretary of State's office yesterday, in reference to that question, is this: The system was all set up, and the clerk hire to operate it would amount to possibly \$4,000. That was my understanding, in response to a direct question.

And I further understand that is one of the important features of the title law in tracing out stolen cars, skip cars. Mind you, there are many skip cars. There are over 200 a week reported in Maine that are skip cars from other parts of the country. Many of them come this way. That cross-index of serial and motor numbers enables the Secretary of State to act at a moment's notice. If, for instance a man telephones from Portland inquiring about a certain Packard car of a certain number, the information can be flashed back to him within three minutes' time. Does that answer the gentleman's question?

Mr. DOWNS: Thank you, Mr. Paul.

Mr. Speaker, it has been brought out quite forcibly that the members of this House did sit here in practical silence while this law was enacted during the past session, and, as far as I am concerned personally, I am perfectly willing to plead guilty. There was some controversy over it in the corridors, etc., but, if you will recall, there was a certain inducement that went along with the passage of this Bill which sounded very pleasing to me and I know it did to certain others, to wit: That the passage of this Bill would insure a revenue of about \$250,000, which would be used for old age assistance. I have not heard anything about that since.

Now the provision in this particular Bill which I have before me, if the Chair will allow me to read it, is this: I quote:

"Said application shall be upon a blank form to be furnished by the Secretary of State, and shall contain the manufacturer's number, motor number and any distinguishing mark, together with a statement of the applicant's title and of any liens or encumbrances on such motor vehicle, and such other information as the Secretary of State may require."

I have had automobiles registered for a good many years, and I have never known the time when we did not have to give the motor number, serial number, type of lens, and various other pieces of information which were required. The only thing that I see in addition to this is that embarrassing question of whether or not you were fortunate enough to pay for your car when

you bought it or whether you did have to give a mortgage upon it.

Now, understanding all that, I cannot see that this particular Bill makes any change at all other than to strike out the fee of one dollar required for registration. My experience has been considerably different than that of the gentleman from Rockland (Mr. Sleeper) in that I find the question of the dollar raised very many times. The people of our State are most always willing to contribute a dollar if necessary to the maintenance of any department or the enforcement of most any law, but they did resent this particular piece of legislation to an extent which it has never been my privilege to observe on any piece of legislation presented in this House. I did make the statement before the committee yesterday that it was the most unpopular law that I ever heard of and I am still of the same opinion today.

I believe, Mr. Speaker, that we were sent here to carry out, as far as it seems wise, the wishes of our constituents, and if, when we are here, we assist in the passage of a law, which seems right to us, and we go back home and hear the expression of the majority condemning our action, then it is time for us to sit up and take notice and try to analyze the situation so as to determine whether we were entirely right at the time we took that action. There does not seem to be any doubt of the sentiment of the people of Maine in regard to this particular piece of legislation. I believe that they have spoken forcibly enough so that we all understand, therefore I trust that the report of the committee will be accepted.

Mr. SHESONG: Mr. Speaker, I confess I am guilty of inability to make up my own mind as between these two Bills. I think the matter is of extraordinary importance and we should give it careful consideration and that more time should be given all of us to think it over, therefore I move that the Bill and Report lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that the Report of the Committee, and the accompanying Bill, lie on the table pending the motion of the gentleman from Rockland, Mr. Sleeper, that the Bill and Report be indefinitely postponed. Is the ques-

tion clear to the House? All those in favor of the motion that the Bill and Report lie on the table will say aye; those opposed, no.

A viva voce vote being taken, the motion to table did not prevail.

Mr. GOOD of Monticello: Mr. Speaker, I would like to substantiate some of the things the gentleman from Rome, Mr. Downs, has said, and which the gentleman from Portland, Mr. Shesong, has said.

I live thirty miles from the Aroostook office, and I know of a man who made three trips last fall to Presque Isle to pay the registration fee of one dollar. There was no complaint about the dollar, but there was complaint about the red tape we have to go through; I never heard anyone say anything about the dollar, but they have complained about the red tape.

Now we agreed, as I understand it, in the Convention, to repeal this Title Law. We came down here to do it; that is one of the things we came here for. Now, to put in another law that is going to cause just as much trouble except for the dollar, I do not see the logic or the point in doing that.

In this Bill, Senate Paper 719, under Article 1, it says:

"Any mortgage or other lien on said motor vehicle may be discharged, in the title records of the Secretary of State's office by presenting to the Secretary of State the affidavit of the mortgagee that the same has been paid or a receipt from the mortgagee showing such payment or any other evidence which will satisfy the Secretary of State that the lien has been discharged, whereupon the Secretary of State shall issue a new certificate of title showing liens discharged."

I do not know that it matters to the public whether I own a car or whether I do not own it, so long as the State gets the registration fee. If I am paying for my car, that is my business, and I do not see that it is the business of anyone else or why we should come down here and put out a lot of red tape. I am not in favor of it. I am in favor of repealing this Title Law and indefinitely postponing this Bill, Legislative Document 1227.

Mr. WILLIAMS of Bethel: Mr. Speaker, I am not sure whether or not there is any contention in regard to this Bill now, but, if there is, I am going to try the best I can to clear that up.

Legislative Document 1219 provides in the first section for the entire repeal of the so-called Title Law. Section 2 of L. D. 1219 repeals the provision relative to second-hand car dealers, and Section 3 relates to some amendments which were made to Section 50 of the general law.

I will say in regard to that simply this: This bill will leave Section 50 exactly as it was prior to the convening of the Legislature in 1939, with the exception of one clause which I will read and try to explain.

There has been some reference to the facts that are asked of the motor vehicle owner. I will state that is exactly as it always was: "Such questions as the Secretary may deem necessary"—that was always in the law. That is not a change made by the last session of the Legislature.

There is one clause which will be different from what it was prior to the convening of the Eighty-ninth Legislature and that is this and only this: "And, in addition thereto, shall maintain a file arranged under the name of each make of motor vehicle, with the manufacturer's engine and serial numbers." In the Secretary of State's office, if you were to go in there today and state that your automobile had been stolen some two years ago, we will say out in some other state, if you were to go in the Secretary of State's office to learn whether or not that particular car had been registered in Maine, they would go to their files and look up under the name of "Plymouth," for example, and check down through to see if a car of the make of Plymouth of your motor and serial number was registered in the State of Maine.

That operates in this way: A report comes in from California that a certain car has been stolen. That report will be filed in the Secretary of State's office on a colored card, and if, at any time, a car is registered of the make of Plymouth of your motor and serial number, they will immediately notify the State Police of California. Also, reversing the same situation, if a car should be stolen in Maine, the State Police of this State will notify the Registrar of Motor Vehicles of the State of California, giving the serial number of the car which has been stolen, and they would check their files in California to see if such a car was stolen there.

This has no particular application to the Title Law itself; it is simply a case of taking the motor and serial number which you give on your car and indexing that in the files so they can look it up and see whether the particular automobile is registered in the State of Maine. That would not affect the questions to be asked by the Secretary of State, and the provisions of the law, so far as affected by this Bill, would be exactly the same as they formerly were in regard to the questions to be answered.

Section 4, as you will note, simply strikes out the provision in regard to giving a certificate of title, and Sections 62-A and 62-B, which pertain to the Title Law, and the second-hand dealers, are also repealed by Section 5, so the law is exactly the same with the exception of that one statement setting up the cross-reference file. I will state in regard to that, that I asked the Secretary of State in the committee what the cost of that would be and he informed me that it might require four or five employees at a cost of not exceeding five thousand dollars. I hope I have explained this Bill so that it is a little more clear to the members here.

Mr. PAUL: Mr. Speaker, I would like to make one further statement in regard to this cross-number file. That is purely an office function. It does not cause any inconvenience or trouble whatsoever to the motorist. It is an office function, at a cost, as we have said, of not to exceed five thousand dollars.

Mr. VARNEY of Berwick: Mr. Speaker, I want to thank the gentleman from Bethel (Mr. Williams) for his explanation of this Bill. I feel it is my duty to say a few words in view of the fact that I introduced this measure a day or two ago before this House and I told you at that time I understood this was an absolute repeal of the Title Law without any saving features. I think it is my duty to tell you now that this particular Bill was all drawn and in the Attorney General's office. I inquired of the Attorney General if it was an absolute repeal and he said it was. I read it over myself and first discovered that there was one word not crossed out which should have been crossed out. I went back and called his attention to it and he agreed that it should have been crossed out. I then asked him if it was an absolute repeal

and he said yes and, upon his say so, and from what I saw from reading it over, and without comparing it with the former statute, I told you that it was a Bill for absolute repeal. It has been called to my attention that it contains one sentence which was not in the law before we passed the Title Law. That sentence is on Page 2 of the printed document and has been called to your attention by the gentleman from Bethel (Mr. Williams). "The secretary of state shall maintain a file of said applications arranged alphabetically according to the name of the applicant, and, in addition thereto, shall maintain a file arranged under the name of each make of motor vehicle with the manufacturer's engine and serial number." I am not in favor of retaining any of the features of the Title Law. If the House should decide to accept the report of the committee on this particular Bill, I will present an amendment taking that sentence out of the Bill, which I did not know was in there until this very moment.

Mr. SLEEPER: Mr. Speaker, I wish to take a few moments more of the time of this House. I confidently expect to go down to defeat but, like my memorable ancestor, Horatio, the Roman gladiator at the bridge, I am going down with every banner flying. Now the opponents to my measure have said there was no argument against the dollar. The argument was altogether about the red tape. I have heard that. No one naturally mentions the dollar. Our people at home, as the expression goes, are not thinking of money. Every complaint I have had against this Bill was "Oh, they didn't mind the dollar," but they did hate the red tape. How those disappeared when the incoming Legislature was going to take away that dollar. The only real complaint, the only thing that has bothered me in connection with the Bill is this: When I went home last week the people back home said, "You are a bunch of suckers over there. A little public pressure and you are going to repeal a Bill that went through without a dissenting vote. You must be a crowd of nit-wits." Now I do not like that talk. I will admit it did not come from the mayor or the cop on the corner, but I have heard it.

I have not any doubt but what

this Legislature is going to repeal the Bill in toto. I am not a lawyer but I have borrowed money and borrowed a lot of it. I have bought cars through finance companies and have had mortgages on them and double mortgages. I know that if anyone lends me any money on my car and if there is a Title Law in effect, the holder of that mortgage will demand the title of that car. There is no doubt about that. I know because I know. I have borrowed money on my car. There is not any argument to the fact that the Title Law does not protect the car. When you give a mortgage on a car you really give a conditional bill of sale and the holder of that mortgage is entitled to the title of the car. There was not one dissenting vote on this Bill. I have not any doubt but what we are going to be hammered into repealing this law, but I want to explain my position and, like my immortal ancestor, I am still agin it.

Mr. BUZZELL of Belfast: Mr. Speaker, some one of the speakers has said that there has been more or less confusion about this Bill, and I want to agree with him. There was confusion at the last session of the Legislature and, as near as I can tell, there is plenty of confusion today. But the author of the Bill last winter, the Title Law Bill, after a hearing, has decreed and reported in here that this Bill should be repealed. He is the gentleman that got us into all this confusion in the first place in a way. I give him credit for thinking that he was doing a very fine thing. There are things about that law, especially the title part and the part that will lead people to some information readily that are worth while. Whether they were confused last session or we are confused now does not mean so much. Another speaker has said something about realizing something. Yes, I trust that you all realize how the people at home, that have been so aptly referred to, feel about it. We are the hired men of those men and women, and the least we can do is to go by the guide posts that they set up for us. Since the last session of the Legislature there have been plenty of those guide posts set up down my way, and, if any law ever produced widespread dissatisfaction, it is this Title Law.

Now it seems to me, my friends and colleagues, we in Convention

assembled some twelve or thirteen hundred strong, promised the people of this State that we would repeal this law. Now to start with, it is a promise. Nit-wits or no wits, it does not matter about that. The least we can do is to be fair and do what we promised.

Then, on the other hand, the Democrats, and I am not going to accuse them of being nit-wits because I do think they have considerable wit a lot of the time, they have promised the people the repeal of this in their Convention. Now both parties have done that and why don't we simply do what we agreed and repeal this law and follow the advice of the gentleman from Portland, Mr. Paul? It is only seven months to the next session of the Legislature. We will have done what we promised and perhaps in that seven months' time they will have an opportunity to work out something worth while. I do not believe there is anything we can do at this session of the Legislature but to repeal this law.

Mr. STILPHEN of Dresden: Mr. Speaker and ladies and gentlemen of the House: I believe someone from my county should voice the sentiment of the people. With the people of my county, the most criticism I have heard is the trouble it has caused them in getting their license and not the dollar. I believe they are demanding the outright repeal of this law. I hope this House repeals it and that it will not even leave a ripple on the water.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the Report of the Committee on Motor Vehicles and accompanying Bill be indefinitely postponed. All those in favor of the motion for indefinite postponement will say aye; those opposed, no.

A viva voce vote being taken, the motion for indefinite postponement did not prevail.

Thereupon, the Report of the Committee was accepted and the Bill was given its two several readings under suspension of the rules.

Mr. Paul of Portland, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to House Paper 2257, Legislative Document

1219, entitled "An Act Repealing the Law Requiring Guaranty of Titles of Motor Vehicles."

'Emergency preamble. Whereas, it is the intent of the legislature to prevent further confusion caused by the guaranty of title law; and

Whereas, if this repeal of the said law does not take effect immediately, for a period of 90 days it will still be compulsory to obtain a title although said title will be ineffective at the end of this 90-day period; and

Whereas, this will further confuse the public and increase the difficulties of registration of motor vehicles; and

Whereas, the foregoing facts, in the judgment of the legislature, render the immediate passage of this act necessary for the preservation of the public peace, health and safety, and constitute an emergency within the meaning of section 16 of Article XXXI of the constitution; now, therefore,'

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

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

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted?

Thereupon, House Amendment "A" was adopted?

On motion by Mr. Varney of Berwick, the Bill and Amendment were tabled pending third reading of the Bill.

House at Ease

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Unemployment Compensation. (S. P. 715) (L. D. 1225)

Report of the Committee on Motor Vehicles reporting same on bill "An Act amending the Law relating to Guaranty of Titles of Motor Vehicles" (S. P. 719) (L. D. 1227) as it is cared for by other legislation.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Resolves and Bills in First Reading

(Under suspension of the rules)
Resolve in favor of the City of Lewiston (S. P. 726) (L. D. 1228)

Resolve in favor of Bates College (S. P. 727) (L. D. 1229)

(Rules suspended and the resolves were given their first reading)

Bill "An Act relating to the Term of Office of Various Employees under the Code" (S. P. 710) (L. D. 1216)

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

(Rules suspended and the bills had their two several readings)

The SPEAKER: The Chair would suggest that on the two Resolves and the two Bills which have just been given their first and second readings, that anyone interested in the passage of the Bills and the Resolves might move to have them specially assigned for this afternoon's session, if they so wish.

Mr. VARNEY of Berwick: Mr. Speaker, I move that they be specially assigned for second and third reading at the afternoon session: The two Resolves, Legislative Document 1228 and Legislative Document 1229, and the two Bills, Legislative Documents 1216 and 1214; that they be specially assigned for their final readings at two o'clock this afternoon.

The motion prevailed and the Resolves and Bills were so assigned.

Orders of The Day

On motion by Mr. Varney of Berwick, the House voted to take from the table H. P. 2257, L. D. 1219, entitled "An Act Repealing the Law Requiring Guaranty of Title of Motor Vehicles," tabled by that gentleman earlier in today's session.

Mr. VARNEY: I now offer House Amendment "B" and move that the rules be suspended in order to permit its consideration without reproduction.

The SPEAKER: The gentleman from Berwick, Mr. Varney, now offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" to H. P. 2257, L. D. 1219, Bill "An Act Repealing the Law Requiring Guaranty of Titles of Motor Vehicles."

Amend said Bill by striking out from Section 3 the following sentence: "The secretary of state shall maintain a file of said applications arranged alphabetically according to the name of the applicant, and in

addition thereto shall maintain a file arranged under the name of each make of motor vehicle with the manufacturer's engine or serial numbers.'

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the rules be suspended to permit action on this amendment at this time.

Mr. VARNEY: Mr. Speaker, may I say that in presenting this amendment I have no particular desire to do away with the retention of the cross-index if the members of this House think that action would be desirable. I present the amendment only because I told you when I introduced the Bill that it was an absolute repeal. If this amendment is adopted, it will be, I feel sure now, an absolute repeal, putting us back into the position, so far as the law is concerned, that we were in before the passage of the so-called Title Act.

I have heard that there are many arguments in favor of retaining a cross-index, but I am not familiar with the cost or the benefits to be derived from retaining this so-called cross-index file system. May I say again that I do not care whether the House adopts the amendment or does not adopt the amendment. I simply wanted to make my position with this House clear, in view of the fact that I did state to you that the Bill was an absolute repeal and I discovered a few moments ago that it was not.

Mr. WILLIAMS of Bethel: Mr. Speaker, I rise simply to make an inquiry in regard to the amendment, if I may, of the Floor Leader.

The SPEAKER: The gentleman from Bethel (Mr. Williams) may ask his question through the Chair.

Mr. WILLIAMS: Mr. Speaker, would not the amendment strike out the provision which formerly existed in the law for an alphabetical index as well as a cross-index?

The SPEAKER: The gentleman may answer if he wishes.

Mr. VARNEY: Mr. Speaker, I will reply by saying that I just went out and thought that I found the law as it was just before we passed the Title Law, but I am not quite sure of that because Section 50 has been amended so many times that I am not quite positive whether the words "The Secretary of State shall maintain a file of applications arranged alphabetically in the name of the

applicant" * * I was not quite sure whether that was in there or not, but it was not in the section which I saw.

Mr. SHESONG of Portland: Mr. Speaker, during the noon recess some of us talked with the Secretary of State as to what would be the effect if these words were completely deleted from the Bill. He tells us there are many valuable features to the retention of that language in the Bill. I am wondering whether or not it would be possible to ask the Secretary of State to come in and answer questions relative to the value of retaining that language in the Bill.

The SPEAKER: The Chair would suggest that it would be a violation of precedents to have any non-member ask questions on the floor of the House.

Mr. SHESONG: Then, Mr. Speaker, I move that House Amendment "B," with accompanying Bill, be tabled until the afternoon session pending adoption of House Amendment "B."

The SPEAKER: The gentleman from Portland, Mr. Sheshong, moves that House Amendment "B" and the accompanying Bill, lie on the table and be specially assigned for this afternoon's session. Is this the pleasure of the House?

The motion prevailed and the Bill and amendment were so tabled.

Mr. BIRD of Rockland: Mr. Speaker, I would like to take from the table the Order that I tabled earlier in today's session.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves that the House take from the table House Order relative to examination of former Controller by physicians, tabled by that gentleman earlier in today's session. Is this the pleasure of the House?

The motion prevailed.

Mr. Good of Monticello, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to House Order relative to examination of former Controller by physicians.

Amend said Order by striking out in the 6th line thereof the words "the House," and inserting in place thereof the words 'Committees of this Legislature.'

The SPEAKER: The Clerk will read the Order as it would read if the amendment were adopted.

Clerk reads Order accordingly.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: Is it the pleasure of the House that the Order as amended have passage?

Mr. HINMAN of Skowhegan: Mr. Speaker, I do not know that I have any special objection to the passage of such an Order, providing those who prepared the Order have talked with the investigating departments of the State so that they know that what they are doing is not interfering with the regular progress and detrimental to what might be accomplished. It would seem to me that the legal talent that has been called into this case is perhaps so much more familiar than we of the Legislature are, that I hardly see any necessity for it. I have no objection other than the fact that I can see the possibility of seriously handicapping what is being done, unless the Order is presented after consultation and in agreement with those who are working on the case.

Mr. HINCKLEY of South Portland: Mr. Speaker, do I understand we have adopted the amendment and the Order is still before us?

The SPEAKER: The question before the House is on the passage of the Order as amended.

Mr. HINCKLEY: Mr. Speaker, I move that the Order be indefinitely postponed.

I think any lawyer in this House, and probably most of the laymen, will agree with me that it is useless for us to pass this Order. There is no House, there is no Senate, there is no Committee appointed by this House and Senate, which can possibly make Mr. Runnells appear before it and give any testimony whatever where he is at present charged with a criminal offense. He would not have to appear, whether he were well or not. It makes no difference, because you cannot make any man answer questions when he is charged with a crime. He has his constitutional rights. It seems to me very silly for this House to pass an Order of that kind when it cannot possibly be enforced, so I renew my motion for indefinite postponement.

Mr. MARSHALL of Auburn: Mr. Speaker, I rise to inquire whether there has been any charge placed against Mr. Runnells at this date.

The SPEAKER: Does the gentle-

man address his question to any particular member?

Mr. MARSHALL: Can any member of the House inform me whether any charge has been made against Mr. Runnells?

The SPEAKER: The House hears the question. If any member feels he can answer it, he may do so.

Mr. HINCKLEY: Mr. Speaker, if my information is correct from what I have read in the newspapers, a warrant has been issued against Mr. Runnells charging him with embezzlement. He would have to answer specifically on matters with which he is charged.

Mr. VARNEY of Berwick: Mr. Speaker, I think I am going to vote against the Order, not because, however, I am at all opposed to any member of this House getting any information which he could get which may help us untangle our problem, but simply because I do not believe that this body has any authority by order to compel Mr. Runnells or any other citizen of the State of Maine to submit to a physical examination. Therefore, I do not want to go on record as voting for an Order which we have no right under our constitution to pass.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the Order as amended be indefinitely postponed. All those in favor of the indefinite postponement of the Order will say aye, those opposed no.

A viva voce vote being taken, the motion prevailed and the Order was indefinitely postponed.

Mr. EMERY of Bucksport: Mr. Speaker, I move that the House reconsider its action taken earlier in today's session whereby Bill "An Act to Encourage the Development of the State's Resources", S. P. 733, was referred to the Ninetieth Legislature.

The SPEAKER: The gentleman from Bucksport, Mr. Emery, asks unanimous consent to reconsider the reference of Bill "An Act to Encourage the Development of the State's Resources," which was referred to the Ninetieth Legislature. The question before the House now is, the Bill coming from the Senate, unanimously received in that body, whether there is objection to its reception in this House.

The Chair hears no objection and the Bill is received.

It is now the pleasure of the House that the Bill be referred to the Committee on Mines and Mining in concurrence.

Thereupon, the Bill was received and referred to the Committee on Mines and Mining in concurrence.

Mr. GOOD of Monticello: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Monticello, Mr. Good, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. GOOD: Mr. Speaker, I have a little matter that I would like to explain and I ask your indulgence for a few moments. I just received a letter from Mr. Tompkins of Bridgewater, in regard to the loss of their high school. He states in this letter, "You can easily verify the figures that I am going to quote below as to our standing by looking at a copy of our March 1940 town report which you will find in the Library. We had ten thousand dollars insurance on the High School building and we now have that in a special account in our town treasury. We are to get from the contingent fund five thousand and that is all that we have with which to build a \$35,000 or \$40,000 school building. Now providing we can get a five thousand dollar W. P. A. project, in addition to all this, we must have at least \$15,000 more. Now can you or anyone tell me where we are going to get it or from whom we can procure a loan for this amount, when our town finances are as follows: Town valuation \$682,000. Legally allowed for town debt, 5%, or about \$34,000. The March 1940 town report shows our town debt as \$48,239.87 or about 7%. Under such conditions, no one will let us have more cash until we have authority to borrow more, such as the Bill in question will allow. In order to fill out the school year, our scholars are now in the church, an old store, and the remainder in the town hall. We are willing to do everything in our power to get a place to house these children but if we have to wait for the regular session next winter to grant this accommodation to us, we are just out of luck. Of course we can pack them for another year in the town hall and the old store but I am wondering, if the members of the House knew exactly what we are up

against, if one of them would object. Someone may say, let them send them to another High School such as Mars Hill, but let me tell you the town and especially the parents just cannot do it and if such were made necessary, practically all of them would not go to school at all. There is a lot more that I could write but this is enough to show to anyone that this is a real emergency."

If this was to delay the Legislature a minute I would not ask permission to address the House, or if it was going to cost the State of Maine a copper I would not do it. It is just a matter of incorporating the town of Bridgewater school district. If they send those pupils to Mars Hill or Houlton it costs a hundred dollars for tuition and at Mars Hill I think it is seventy-five per pupil. It will cost the town of Bridgewater probably five or six thousand dollars, maybe seven thousand, for tuition, and the parents are not able to pay the board of those pupils. Practically all of those children starting high school have got to discontinue school until the school building is built.

I therefore ask the unanimous consent of this House to present this Bill, and I do not believe it will encumber or delay or hurt anybody.

The SPEAKER: The Clerk will read the title of the Bill.

(The title of the Bill read by the Clerk)

The SPEAKER: The gentleman from Monticello, Mr. Good, asks unanimous consent to introduce a Bill despite the joint closing order. Is there any objection?

Mr. BROWN of Caribou: Mr. Speaker—

The SPEAKER: The only question before the House is on unanimous consent. If the gentleman desires to object, he may do so, but no debate is in order.

The Chair hears no objection and the Bill is introduced.

The Chair understands that the gentleman from Monticello, Mr. Good, moves that the Bill be referred to the Committee on Legal Affairs. Is this the pleasure of the House?

The motion prevailed and the Bill was so referred and sent up for concurrence.

The SPEAKER: Is there any business to come before the House under Orders of the Day?

Order

(Out of order)

Mr. Stevens of Jonesport, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the treasurer of state pay to each member of the 89th Legislature attending the special session the amount due him for mileage and per diem on request that is due him at the time of request.

The **SPEAKER**: Is it the pleasure of the House that the Order have passage?

Mr. **VARNEY** of Berwick: Mr. Speaker, I certainly object to the passage of an Order of that kind without some reasons stated as to why it should be passed. I certainly do not understand that any members of this Legislature feel we may not get our money for coming here at the proper time. I move the indefinite postponement of the Order.

The **SPEAKER**: The gentleman from Berwick, Mr. Varney, moves that the Order be indefinitely postponed. All those in favor of the motion for indefinite postponement will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Order was indefinitely postponed.

On motion by Mr. Varney of Berwick,

The House recessed until one o'clock this afternoon.

After Recess—1 P. M.

The House was called to order by the Speaker.

The **SPEAKER**: The House is proceeding under Orders of the Day. The Clerk has in his possession some papers specially assigned for one o'clock.

Passed to Be Engrossed

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

Bill "An Act relating to the Term of Office of Various Employees Under the Code" (S. P. 710) (L. D. 1216)

Resolve in favor of the city of Lewiston (S. P. 726) (L. D. 1228)

Resolve in favor of Bates College (S. P. 727) (L. D. 1229)

Were reported by the Committee on Bills in the Third Reading, Bills

read the third time. Resolves read the second time, all passed to be engrossed and sent to the Senate.

Orders**(Out of Order)**

On motion by Mr. McGlaulin, it was

ORDERED, that Mr. Cowan of Portland, be excused from attendance on account of urgent business.

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that Mr. Barter of Stonington, be excused from attendance on account of illness.

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

On motion by Mr. Shesong of Portland, the House voted to take from the table Bill "An Act Repealing the Law Relating to Guaranty of Titles of Motor Vehicles" tabled by that gentleman earlier in today's session, pending the motion of the gentleman from Berwick, Mr. Varney, that House Amendment "B" be adopted.

Mr. **SHESONG** of Portland: Mr. Speaker, during the noon recess, I conferred with the Attorney General and with the Secretary of State to learn what I could about this Bill, that is, the language we are trying to delete from this Bill.

It is the practice in the Secretary of State's office, when cars are registered, to make out a white sheet I have in my hand a white card which they use. On this white card they put the name of the car, Ford, Chevrolet or whatever the name is, also the engine number and serial number. That is then filed away in a cabinet index file. Later on they have reports from different states and from our own State giving a list of cars stolen. I have in my hand this ream of papers, I do not know how many cars are listed there, but it gives the list of cars stolen in this State during the past year. There are a great many of them. I also hold in this package probably a list of ten thousand cars stolen in the state of Pennsylvania. Those records are made periodically to the Secretary of State in each state. If stolen cars are reported, the Secretary of State makes a pink card, giving the serial number and

engine number and it is filed with the white card. They have on record at all times not only the cars registered but also the stolen cars. That machinery is all set up in the Secretary of State's office to perform that service and when a stolen car is reported the list is given to the Highway Department and they in turn attempt to locate the car.

I have also some other information about that. I know most of the members of the Legislature know something of the service that that department renders. It seems, at least to me, advisable, where the State has spent a lot of money in setting up that machinery down there, that we should try to salvage something out of it. I am not in favor of retaining the title part of the law. I do not want that at all. All I am trying to do is to urge upon you the necessity of retaining that part of the law which will help that department and Police Department in recovering stolen cars. Therefore, Mr. Speaker, I move that House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that House Amendment "B" be indefinitely postponed. Is the House ready for the question? All those in favor of the indefinite postponement of House Amendment "B" will say aye; those opposed no.

A viva voce vote being had, the motion prevailed, and House Amendment "B" was indefinitely postponed.

Mr. LAMBERT of Lewiston: Mr. Speaker, I present an amendment and move its adoption.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, presents House Amendment "C" and moves its adoption. The Clerk will read the amendment.

House Amendment "C" to H. P. 2257, L. D. 1219, entitled: "An Act Repealing the Law Relating to Guaranty of Titles of Motor Vehicles."

Amend said bill by adding at the end thereof the following section to be numbered 7 and to read as follows:

'Sec. 7. Credit allowed on registration. The secretary of state shall credit \$1 toward the amount due for the registration of a motor vehicle to every person, firm or cor-

poration at their next application for such registration on receiving a receipt for the payment of the fee for a certificate of title.'

The SPEAKER: The amendment will lie on the table for printing under the House rules. The tabling of the amendment carries with it the entire Bill.

Mr. HINMAN of Skowhegan: Mr. Speaker, may I inquire whether it would be proper, under suspension of the rules, to consider the amendment at this time?

The SPEAKER: The Chair will inform the gentleman that the motion for suspension of the rules is in order.

Mr. HINMAN: Mr. Speaker, I move that the rules be suspended in order to consider the amendment at this time.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the rule of the House requiring reproduction of amendments be suspended to permit the consideration of House Amendment "C" at this time. Is this the pleasure of the House.

The motion prevailed.

Mr. LAMBERT: Mr. Speaker, in support of the amendment, I wish to state to the members of this House that our action of this morning and this afternoon in repealing the Automobile Title Law seems to me calls for a refund to the taxpayers of Maine who have paid a dollar for a title which will be absolutely no good if this law is repealed. You are repealing the law practically in its entirety and we have given the taxpayers nothing for their dollar. I believe it is only fair if we did not pass that law as a revenue measure at the last regular session that we should give back the dollar in the form of a rebate upon the next registration. As I understand it, it would not be much of a job and it would be in all fairness to the taxpayers. If later on in the 90th Legislature they see fit to make a new title law, they can at that time consider the matter of fees and the taxpayers would not be paying for useless titles and then paying again for a new title. I think it is only fair for the members of the House to consider that matter seriously. If we are going to call it a non-revenue measure, let us make it a non-revenue measure and give back to the people the dollar they paid for nothing. For example, a person today goes

to the window and pays a dollar for a registration to take out a car for the holiday and he would have to pay a dollar, and if the house repeals this title law it will be entirely useless to him and he has paid a dollar for a few hours. I think the members of this House will agree with me that it is really unfair to the taxpayer. In all probability, I think there will be a title law passed in future legislation. That is all I care to point out at this time.

Mr. HINMAN: Mr. Speaker, I am not rising at this time as an individual legislator. I am rising representing the committee on Appropriations and Financial Affairs, as a member of that committee, and without having discussed the matter with any member of the committee. However, I feel that there are some of these questions that somebody should consider from the State's side of the picture, and to me it is the most picayune kind of legislation to attempt to refund a dollar when you consider what money the State has expended in getting this account in operation and the work that will be required to put that through in order to return the dollar. Although I think it is fine to consider the taxpayer and I have no desire to ignore him, I do not believe the amount involved is sufficient to justify the amount of red tape that would be required. I think it is unsound, improper and impractical. I move that House Amendment "C" be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that House Amendment "C" be indefinitely postponed. Is the House ready for the question? All those in favor of the motion of the gentleman from Skowhegan, Mr. Hinman, that House Amendment "C" be indefinitely postponed will say aye; those opposed no.

A viva voce vote being had, the motion prevailed, and House Amendment "C" was indefinitely postponed.

The SPEAKER: Is it now the pleasure of the House that the rules be suspended and that the Bill be given its third reading at this time?

Thereupon, under suspension of the rules, the Bill was given its third reading, passed to be engrossed, as amended by House Amendment "A," and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. Is it the pleasure of the House that all of the papers which have been acted upon at the present time be sent forthwith to the Senate?

Thereupon, the papers were sent to the Senate.

The SPEAKER: The Chair is expecting additional papers of importance from the Senate shortly. The House may be at ease.

HOUSE AT EASE

Called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House to take up out of order an additional communication from the head of a department?

STATE OF MAINE DEPARTMENT OF STATE

Augusta, May 29, 1940.

To Harvey R. Pease, Clerk of the House of Representatives of the Eighty-ninth Legislature:

In compliance with section 36 of chapter 2 of the revised statutes, I hereby certify that in accordance with the provisions of section 74 of chapter 8 of the revised statutes a special election was held in the towns of Rumford, Roxbury, Andover and Bryon for the purpose of electing a representative to the Eighty-ninth Legislature to fill a vacancy caused by the resignation of Merle F. Burgess of Rumford;

That said election was held on the twenty-seventh day of May, 1940, at which A. Joffre Mercier of Rumford was elected representative to the Eighty-ninth Legislature by said class towns as appears by the report of the Governor and Council under date of May 29, 1940.

That on this twenty-ninth day of May, 1940, the said A. Joffre Mercier personally appeared before the Governor and Council and took and subscribed the oath of office as required by the Constitution to qualify him to enter upon the discharge of his official duties.

(Seal)

IN TESTIMONY WHERE-OF I have caused the seal of the State to be hereto affixed at Augusta this twenty-ninth day of May, A. D. 1940, and of the Independence of the United States of America the one hundred and sixty-fourth.

(Signed) Frederick Robie
Secretary of State

The communication was read and ordered placed on file.

The SPEAKER: The Chair will request the gentleman from Rumford, Mr. Poulin, to escort the gentleman from Rumford, Mr. Mercier, to Seat No. 41.

Thereupon, the gentleman from Rumford, Mr. Poulin, escorted the gentleman from Rumford, Mr. Mercier, to Seat No. 41, amid the applause of the House.

The following papers from the Senate were taken up out of order under suspension of the rules:

From the Senate: The following Reports:

Majority Report of the Committee on Legal Affairs on Joint Order instructing the Legal Affairs Committee to consider and report the advisability of proceeding by Address for the Removal of the State Treasurer (S. P. 713) reporting that after requested specifications were filed in accordance with Joint Order, S. P. 724, evidence supporting those specifications was heard at public hearing and was considered, the following members of the Legal Affairs Committee deem it inadvisable to institute proceedings for the removal of Belmont A. Smith, State Treasurer.

(Signed)

Messrs. CHASE of Washington
MORSE of Waldo

—of the Senate.

DOW of Norway

PAYSON of Portland

DWINAL of Camden

SHESONG of Portland

BUZZELL of Belfast

—of the House.

Minority Report of same Committee on same Order reporting that after requested specifications were filed in accordance with Joint Order, S. P. 724, evidence supporting those specifications was heard at public hearing and was considered; the following members of the Legal Affairs Committee ask leave to report a Resolve in favor of the Adoption of an Address to the Governor and Council for the Removal of Belmont A. Smith, Treasurer of the State of Maine.

(Signed)

Messrs. MARDEN of Kennebec

—of the Senate.

COWAN of Portland

DONAHUE of Biddeford

—of the House.

Come from the Senate, with the Minority Report accepted and the Resolve indefinitely postponed.

In the House, Minority Report of the Committee accepted, and the Resolve indefinitely postponed in concurrence.

From the Senate:

Joint Resolution in favor of Adoption of Address to the Governor and Council, for the Removal of Belmont A. Smith, Treasurer of the State of Maine. (S. P. 740)

BE IT RESOLVED, the House concurring, that both branches of the Legislature, after due notice given according to the Constitution of the State of Maine, proceed forthwith to consider the adoption of an Address to the Governor of Maine for the removal of Belmont A. Smith, Treasurer of the State of Maine, for causes as follows:—

FIRST: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has negligently failed in the performance of his duty by failing to use proper diligence in the endeavor to collect back taxes due the State of Maine, and

SECOND: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has negligently failed in the performance of his duty by failing to use proper diligence in the attempting to collect amounts due the State of Maine in connection with the checks made payable to the State of Maine and protested for non-payment, and

THIRD: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has neglected his statutory duty of reinvesting the trust funds of the State in a manner to conform to the provisions of the law, Section 86, Chapter 2, Revised Statutes of 1930 and

FOURTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution wilfully failed to perform the duties required of him as such Treasurer of State by failing properly to supervise the acts of his Deputy and other subordinates, whereby illegal and unauthorized practices were permitted to exist as follows:—

(a) That no carbon copies of

the books of receipts of sales by the State Highway Commission of tires and spare parts sold to employees and other persons were kept in the office of the Treasurer of State, contrary to the forms of said books of receipts and permitting remittances of said sales to be made to the former State Controller, William A. Runnells, contrary to the provisions of Section 15, Article 2, Chapter 216 of the Public Laws of 1931, causing a loss to the State of Maine of approximately thirty-one thousand dollars.

(b) That the said Belmont A. Smith negligently failed to supervise the acts of his Deputy, Louis H. Winship, whereby the latter cashed five checks aggregating at least three thousand dollars, said checks being payable to the order of the State Highway Commission for materials purchased from the garage after endorsement by the former State Controller.

(c) That the said Belmont A. Smith negligently failed to supervise the acts of his Deputy, Louis H. Winship, whereby the latter cashed ten checks since January 4, 1937, clearly without right, thereby depleting the cash of the State. That said acts of the said Louis H. Winship permitted the former State Controller to handle cash contrary to the provisions of the State Code.

(d) That the neglect of the said Belmont A. Smith to properly supervise the activities of his department permitted the cashing of interdepartmental checks by William A. Runnells, former State Controller.

FIFTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution wilfully failed to perform the duties required of him as such Treasurer of State by allowing the deposit of sums of money belonging to the State of Maine in amounts in excess of twenty-five percent of the capital and surplus of the depository banks, to wit, in the cases of the Casco Bank and Trust Company at Bridgton, the Northern National Bank at Presque Isle, the Lincoln Trust Company at Lincoln, the Northern National Bank of Presque Isle at Mars Hill, the Millinocket Trust Company at Millinocket, the Newport Trust Company at Newport, the Norway National Bank at Norway, the Cas-

co Bank and Trust Company at Portland.

SIXTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution neglected his duty of requiring that all State funds should be delivered by the department receiving the funds into the office of the State Treasurer.

AND BE IT FURTHER RESOLVED that, the House of Representatives concurring, these resolutions and statements of causes of removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Belmont A. Smith by such person as the President of the Senate shall appoint for that purpose, who shall make said service upon his personal affidavit without delay, and that the 4th day of June, A. D. 1940, at nine o'clock in the forenoon, Eastern Standard Time, be assigned as the time when the said Belmont A. Smith may be admitted to a hearing hereon.

Comes from the Senate, read and adopted.

In the House:

The SPEAKER: The question before the House is on the adoption of the Resolution.

Mr. VARNEY of Berwick: Mr. Speaker, first may I take just a few moments to explain as well as I can some of the procedural matters concerning the adoption of this Resolution in an effort to make it plain to all the members of this House what we are at present considering. You will recollect that a few days ago we, by Joint Order, submitted to the Legal Affairs Committee the question of whether or not it was advisable for this body to consider address proceedings in relation to our State Treasurer. The committee, as you all know, listened to certain evidence and reported by a divided report of seven to three, seven reporting it inadvisable that we proceed to address and three reporting it advisable to consider address proceedings. The Minority Report was accepted and accompanying the Minority Report at that time was a Resolve proposing that we proceed to consider address. Now that means procedurally that we would proceed to listen to evidence against the State Treasurer, and the usual way of doing that is by serving a copy of the Resolution upon the State

Treasurer, which Resolution states the charges against him, fixes the date for the hearing before the Joint Convention, and notifying him he will have an opportunity to appear in the Joint Convention and present such evidence as he sees fit to present. It happens that the Resolve in this case as reported in by the minority members was first treated as a Resolve in the sense it had to be signed by the Governor when in fact it should have been, perhaps from a procedural standpoint, in the form of a joint resolution and, for that reason, the Resolve as it was originally presented by the Minority Report of the committee has now been indefinitely postponed. We have before us at the present time, which has been passed by the Senate, a Joint Resolution which you have just heard read and which in effect proposes that they proceed to hold a Joint Convention here in the hall of the House on Tuesday next, at which time there will be presented before the Joint Convention such evidence as the Legislature desires to present or can present and at which hearing our State Treasurer will have an opportunity to appear through counsel and conduct such examination of witnesses as he sees fit and present such evidence as he sees fit. In other words, if I may boil the issue down to this: If you adopt this resolution which is before us at the present time you will be voting to proceed to have a hearing here in the floor of the House by a Joint Convention at which time you will listen to the evidence of the charges which are contained in that Resolution and to such evidence as Mr. Smith, our State Treasurer, may see fit to produce.

From a procedural standpoint in that Joint Convention, the rules—and may I say here that if we should vote to adopt this Resolution, we would then proceed to fix the rules for the conduct of the hearing—I may only anticipate to this extent to say that the usual rules provide that in the hearing there will be no debate or no questions asked by any members of the Joint Convention, but after we have listened to the evidence on both sides, the Joint Convention is dissolved and we proceed to then vote in the several branches on whether or not we want to address the Governor and Council requesting them to remove the State Treas-

urer from office for the causes as charged.

I hope I have made the procedural points plain to that extent. As to my position with relation to the passage of this Joint Resolution calling for the hearing of the evidence, may I say that at the beginning of the session I stated that if any member of this House had any charges which he saw fit to prefer against any state official, I, for one, would like to give that individual or individuals an opportunity to bring the evidence before us in order that we might pass upon it.

Now the Legal Affairs Committee took this particular matter under consideration, and while there were seven of the committee who, after hearing the evidence, did not think it sufficient to warrant us considering address proceedings, in view of the fact that three of the members of that committee did consider the evidence sufficient to warrant us in considering the subject, I believe we should proceed to a passage of this joint resolution and proceed to listen to the charges which are contained therein and the evidence of those charges, after which we can vote on the question of the removal of Belmont Smith as we see it after having heard the evidence. I move the passage of the Joint Resolution.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I would like the privilege of facing the House.

The SPEAKER: The gentleman may face the House.

Mr. McGLAUFILIN: Mr. Speaker and fellow members of this House: This matter of removing an officer of the State by address is somewhat rare in this House, and I am greatly concerned lest, because of political hysteria, we may be led to do a great injustice. I have therefore tried to consider principles for my guidance, and, in discussing the matter with various members of this House, I have come to the conclusion that these are the principles that I, for one, propose to follow:

First: We will fight to remove any official who has knowingly helped to defraud the State of Maine.

Second: We will remove no official without giving him a fair hearing, and we will not remove him on party expedience alone.

With these principles in mind, I want you to consider certain facts. I will call your attention first to

the fact that Belmont Smith is an honored and respected citizen of the city of Bangor. I would further call your attention to the fact that Belmont Smith was an honored and respected member of this House. Twice he was honored by this House by being chosen Treasurer of State, once by the Eighty-eighth Legislature and once by the present Legislature.

I would further call your attention to the fact that under the Revised Statutes of Maine the Governor and Council, at this very moment, have power to remove any inefficient official. There is a provision in the Constitution of Maine that a State official may be removed by the process suggested, of address to the Governor and Council, at least the Governor can remove with the consent of the Council upon a Joint Order from the Senate and House of Representatives.

I would next call your attention to what the result will be if we see fit to take steps for removal. First, you are going to blacken the name of an honest American citizen. Second, you are going to put up a black mark against the State of Maine in the eyes of the whole world by broadcasting the fact that we have an improper and inefficient official in this State. Third, you will reflect upon the judgment of the Eighty-eighth and the Eighty-ninth Legislatures, who, apparently, if he is inefficient, did not have judgment enough to elect an efficient Treasurer, and, finally, you cast reflection back upon the Republican party itself for having elected men like ourselves who did not have judgment enough to elect a proper official.

What will the State accomplish by the removal of Mr. Smith? I have not heard it questioned by anybody but what he is an honest man. He is under a \$150,000 bond. The affairs of the Treasurer's Department will go on just the same, whether he is here or whether he is not. Are you going to accomplish any good? Are you going to save anything for the State?

It is apparent that there has been some slackness somewhere, but I venture to say that that is not confined by any means to the Treasurer's Department. I feel that we should ask ourselves this question: If identically the same facts that were presented before the Legal Affairs Committee had been

presented to this Legislature and Runnells did not appear in the picture, would we then have removed Mr. Smith? I further venture to say that the answer is no. If the answer is no, then I want to say to you that you are removing him for political expediency. And what is political expediency? It is an attempt to get votes next September at the expense of removing a man from office. In other words, it is getting votes at the expense of justice.

Now I lay down this principle for my guidance, and I want to say to the members of this House that every last one of us who lays down the principles of right and wrong for our guidance can do as the Reverend Joseph Toomey once said: "You can look the Devil right square in the eye and tell him to go to Hell."

I am opposed to this Resolution. I heard the evidence before that committee, and when seven members of that Legal Affairs Committee say that in their opinion it is not advisable to take these steps, I think we should give some consideration to that opinion. I want to say further that if you are at all in doubt as to how you should vote, then you should give the benefit of that doubt to Mr. Smith, because it is fundamental in law that it is better that ten guilty men should escape than that one innocent man should suffer. I am opposed to this Resolution. (Applause)

Mr. DWINAL of Camden: I came to Augusta yesterday morning, with, I might say, suspicion in my eyes, and my ears had heard the word "Whitewash." The Legal Affairs Committee had been ordered to report whether or not we thought it advisable for proceedings to be instituted against the State Treasurer. I expected to hear that our State Treasurer had been guilty of various practices which would put him in a position where he should be removed. We had heard various rumors, we had read various newspaper columns which made charges, but the committee felt that rather than base an indictment upon newspaper facts, upon address by State officials, that we should at least have some direct evidence, and an Order was put through this House ordering the State officials, the auditors and all persons connected or who had anything to present to

that committee to support whatever charges we might want to make, to come here and present that evidence. What was the result? I do not know how many of the members of this Legislature were at that hearing, but I know there were a large number, and I know that most of you must have agreed with me that we sat all day, listening to a few vague charges, most of which were occurrences which occurred before the present State Treasurer held office.

I certainly did not feel justified, on the evidence as presented, and which I must assume is all the evidence holds, since they came in response to that Order—I could not see there was enough evidence there to justify this Legislature spending several extra days in session and listening to the same evidence possibly a week later, when, in all probability, almost beyond a certainty, they would reach the same result.

Now if there is other evidence, we have an investigating committee which we know, because of the character of the men on that committee, will dig in and find any possible facts there are. If they discover anything further, then I say is the time to prefer further charges. At this time I cannot see wherein, on the basis of the evidence we heard yesterday, where this Legislature could possibly arrive at a conviction, and, in keeping with what Mr. McGlauffin said, I think it would be unfair to a man who is accused of no moral delinquency in any way, and where the only evidence is that some of his predecessors may have been a bit lax. I think it would be unfair to place him on trial. I want to concur with the gentleman from Portland, Mr. McGlauffin.

Mr. DOW of Norway: Mr. Speaker and ladies and gentlemen of the House: I will preface my remarks by saying I signed the Majority Report. I thought then I was right and I think now I am right. Before I start in discussing what made me arrive at that decision, I would like to read for the refreshing of your memory the Order on which the Legal Affairs Committee acted: "ORDERED, the House concurring, that the Legal Affairs Committee be instructed to consider and report the advisability of proceeding by address to the Governor and Council or otherwise for the removal of Belmont A. Smith, State Treasurer, accompanying this re-

port with the form of such resolution or other process as it may recommend for the first step in such a proceeding by address. S. P. 730."

Now to me that meant, as a member of the Legal Affairs Committee, looking at the word "advisability", that I would try to get as many facts concerning the situation in my mind as possible, and when those facts were presented before the Joint Convention of this Legislature they would result in the removal of Belmont A. Smith. That is the theme song I went under, and it is under that theme song I reached my conclusion.

In the first place, I want it distinctly understood that I am not speaking against Mr. Smith's trial before a Joint Convention. I am merely trying to justify my signing of that Majority Report.

You remember soon after this Order came in ordering us to investigate the advisability and consider a report on it, that there went through this Legislature last Friday, an Order, ordering the Attorney-General, the Auditors and any others who might be interested to appear before the Legal Affairs Committee yesterday morning. That Order originated in the Legal Affairs Committee. We asked for it, and had it introduced. We ordered the evidence in. We wanted to be sure we had it so that we could discuss it and discuss it fairly.

At the hearing yesterday afternoon the Chairman of our committee distinctly asked the Attorney-General, distinctly asked Mr. Wilkinson, who represents the firm of Ernst & Ernst, if either of them, and they answered separately, had any more evidence in this case to present, and they both said they had none. That being the case, and assuming they told us the truth—and I presume they did—we would then make our decision on what we heard yesterday.

The Attorney-General appeared before our committee yesterday and furnished us, as he was requested to do, with a statement of charges. That statement of charges included a number of things. I just want to touch on a few of them.

One thing brought to our attention was that the State's checking account had not been reconciled for some years, possibly since 1932.

During the hearing yesterday a lady appeared before our committee who up to 1932 was Reconciliation Clerk in the Treasurer's office and

had worked there about twelve years. At the inception of the Code that lady was transferred from the Treasurer's office to the Controller's office with the same title, Reconciliation Clerk. She testified before our committee that when she was transferred, just prior to that time she balanced the Treasurer's books insofar as the checking account was concerned. She testified that after she got into the Controller's office, almost immediately things went out of whack, and they stayed out of whack, and that same woman is attempting to make a reconciliation of this statement.

She testified she went over there because she was sent over there. The checks were issued in that office, came back to that office and were filed in that office. She told how they went through the machines. Mr. Smith had no chance to touch any of those checks, didn't see them and didn't cancel them.

Mr. Winship appeared before our committee yesterday. I was favorably impressed with his honesty. He did not hedge on any questions asked him at all. I think he told the truth. He admitted some things possibly that were not in his favor, but his excuse was, and I have reason to believe from the evidence that was developed yesterday, that he was right, that Mr. Runnells set himself up as an absolute Czar, and the Code makes some provision to that effect, although it does not use the word "Czar." And when he was ordered by the Finance Department to do certain things, he did them without question. Those are the things on which I arrived at my conclusion yesterday.

It developed at the hearing yesterday that a good many of these acts complained of before our committee, the majority of them occurred prior to January 4, 1937, before Mr. Smith took office. I think we should confine ourselves primarily to what Mr. Smith did and not what someone did before him. I took that into consideration. I do not think there is any question but what the Code set up conditions that made it rather hard for the Treasurer's office to operate efficiently, even if he wanted to.

Now it occurred to me that the first thing I must determine, in order to satisfy myself—because I live with myself most of the time—was this: Was Mr. Smith inefficient?

Second, if he was inefficient, to what degree? Third, having arrived at that conclusion, was that degree of inefficiency sufficient to warrant removal, and my answer to that was "No."

I want to say that before that committee met, while we were discussing the procedure of holding the hearing, during the hearing and all the rest of the time, I think every member of that committee listened carefully to everything and arrived at his own conclusion. The results you got were the honest conclusions of the people who signed that report.

You might look, Mr. Speaker, at a certain set of facts, and, by inference, arrive at a certain conclusion. I might do the same and we might be as opposite as the two poles and still be honest in thinking we were right. I do not say I was right, but I do say I was honest in arriving at this conclusion, and I still feel, upon reflection, exactly the way I felt then.

I notice in the Resolution mention was made of the Norway National Bank, and I don't know but some of you members might have the wrong slant on that. That is where I live. My chief interest in the Norway National Bank is that I have four notes there and that if I stay here much longer I will have trouble in paying them. I didn't help organize the bank and have some difficulty in getting signers to get money out of it.

Further, as stated by the gentleman from Portland, Mr. McGlauffin, the Governor and Council have now and have had machinery for the removal of Mr. Smith if they saw fit. Another thing, if these proceedings were to go the way they started, someone wasted a lot of time in referring it to the Legal Affairs Committee for their honest opinion and then batting it down. We did not shirk the responsibility. I didn't know then and I don't know why they did it. We discussed the audit thoroughly and tried to find out our duties under it. We could not understand why it was referred to us. It did not seem proper, but we did not pass the buck. We did our job and did it honestly.

I want to make these few remarks in regard to investments. Something was said about investment of State funds. It was brought out at the hearing yesterday—the At-

torney-General of the State of Maine told us that he was not sure just what the interpretation of that statement was regarding the 25 per cent of capital and surplus. He wasn't sure of the interpretation of that. If he does not know and it has not been interpreted, how does anyone know whether the State Treasurer has exceeded his authority in the investment of those funds? I just want to say I signed the Majority Report and I am not ashamed of it. Thank you. (Applause)

Mr. PAYSON of Portland: Mr. Speaker and members of the House, I signed the Majority Report. I am not speaking in defense of my signature because a defense rather infers an apology and I do not apologize for signing that part of the report. I still believe it. I do not ordinarily speak when I have to say that there is not much that I can say because it has been thoroughly covered by somebody else, but I am going to perhaps waste your time today because I want you to know that I stand behind Bob Dow and the others who signed this report with me.

The Legal Affairs Committee is in the position of a man who has been pushed out on a limb and sits there and watches the limb being sawed off. It is rather difficult to scold the body you belong to, the House you are a member of, because you are scolding yourself too. The Legal Affairs Committee got this matter in their lap through an Order of doubtful parentage and ambiguous terms. We proceeded as we thought best under it. If the House wants to hear all the evidence so it can make up its own mind, may I call your attention to the fact that an Order went through last week in which it was set down for hearing and a public hearing. Anyone could have been present.

Even the members of the Legislature have some privileges. We requested the Attorney General's Department and the auditors to give us all the information they had. It is the same information the Governor has in his message which you have read and it is the same information contained in these charges which we have heard. I just want to say this in conclusion: I will go along with any man to find out the guilty and punish him, but I would not be a party or agree to whitewash under any circumstances. I

hate the thought of whitewash and beyond that I hate the word and thought of "witch-hunt" where we go out of our way to hunt out innocent men and pillory them and hang their hides on the State House wall to satisfy a public "witch-hunt."

Mr. SHESONG of Portland: Mr. Speaker and members of the House: I too wish to make a few remarks so that you may know that I am not dodging the issue. I signed the Majority Report. I must, however, say that there is nothing further that I can add to what has already been said. At a conference with the committee, the Attorney-General and counsel for Mr. Smith, certain procedure was discussed. Mr. Pierce, a member of the minority party, and a very eminent counsel in this State, gave it as his opinion that there was nothing in the world upon which we could pin anything against Mr. Smith as Treasurer.

Yesterday afternoon after the hearing I asked Mr. Pierce, who was there most all day, I asked him again if he had changed his mind on that question. He said absolutely no, that he was of a stronger opinion that there was nothing against the Treasurer. Mr. Wilkinson of Ernst and Ernst was asked a direct question as to whether or not he found anything culpable against Mr. Smith and he replied in the negative. We discussed this matter carefully in committee. The report was divided as you know. I think you will admit that all of us have been honest men in our conclusions. I agree with Mr. Payson that the committee is on a limb and whether you want to saw it off or let it remain, I do not care very much, but I hope the fall will not be too great.

Mr. MILLER of Bath: Mr. Speaker. I move the indefinite postponement of this Resolution.

The SPEAKER: The gentleman from Bath, Mr. Miller, moves that the Joint Resolution be indefinitely postponed in non-concurrence.

Mr. BIRD of Rockland: Mr. Speaker, I ask for a yea and nay vote.

The SPEAKER: Is the House ready for the question?

Mr. MAXIM of Portland: Mr. Speaker, may I make an inquiry, through the Chair, of the gentleman from Norway, Mr. Dow?

The SPEAKER: The gentleman may ask his question.

Mr. MAXIM: I would like to in-

quire if the committee appointed to investigate the State finances, of which I believe you are a member, does that committee as a part of its duties have to ascertain, among other things, whether Mr. Smith may have been guilty of inefficiency? I ask the question in order that I may make up my own mind as to whether or not, in regard to these address proceedings to the Governor and Council for immediate hearing, we need to do this and whether or not it is a duplication.

The SPEAKER: The gentleman may answer if he desires.

Mr. DOW: Mr. Speaker, I will answer that by saying that I understand it is clearly within the scope of this other committee. I presume it will attend to its duties in investigating all departments in those matters to be investigated.

Mr. MAXIM: Then I shall feel obliged to support this motion for indefinite postponement.

Mr. SLEEPER of Rockland: Mr. Speaker, may I ask a question of the Chair. If I understand it right, prior to the consideration of this matter just discussed, the House had just adopted the Minority Report.

The SPEAKER: The Chair will inform the gentleman that the acceptance of the minority report was on another matter, a resolution which was indefinitely postponed. The Resolution now before the House for action is a separate Resolution.

Mr. SLEEPER: Mr. Speaker, then if this Resolution is turned down, the Treasurer, Mr. Smith, is vindicated? I want to vindicate him.

The SPEAKER: The Chair cannot express an opinion on that.

Mr. BUZZELL of Belfast: Mr. Speaker, I have not any particular interest in this proposition one way or another, other than to perhaps reinforce the members of the Legal Affairs Committee who signed the Majority Report. Not that I want to reinforce them by the way of number, but I do want to say a few things that have not been said.

It is always easy to speak last because you can talk about things that the other fellows have not talked about. I want to say that in the first place we considered an Order and, that the record may read right, I want to read that first Order we passed: "ORDERED, the House concurring, that the Legal Affairs Committee be instructed to consider and report the advisability

of proceeding by address to the Governor and Council, or otherwise, for the removal of Belmont A. Smith, State Treasurer, accompanying this report with a form of such resolution or other process as it may recommend for the first step in such a proceeding by address."

Now I ask you members of this House, in all fairness to Belmont A. Smith or anyone else toward whom the finger of suspicion was being pointed, what there is in that Order for us to consider. That is the Order, the original Order sent to us on which our committee met. I tried to call the attention of the ten members of the committee to that Order, not signed by anyone, nothing in it by the way of an accusation. Nobody appeared as parents of the Order and to me it seemed as if there was no hope of progeny.

What could we consider at that time? In fairness to the State of Maine and in fairness to everybody, it was agreed that we should call on for a bill of particulars or sort of an indictment setting forth certain things wherein Belmont A. Smith was either guilty of omission or commission, malfeasance or misfeasance. In consequence of that suggestion, another Order was passed, and I want to read that Order to you that our record may be clear. "ORDERED, the House concurring, that before reporting on the matters referred to by Senate Paper 713, dated May 23rd, pertaining to the advisability of proceeding by address for the removal of Belmont A. Smith, State Treasurer, that the Legal Affairs Committee hold a public hearing, and that a representative or representatives of the firm of Ernst and Ernst and the office of the Attorney General present all available facts for the consideration of the committee pertaining to the conduct of the office of State Treasurer."

Now by that second order they were asked and requested respectively to present all available facts, and at a public hearing. That hearing was held in the Senate Chamber yesterday. The Attorney General presented a bill of particulars, several pages of them, and they proceeded by witnesses, one after another, to support the allegations in those bills of particulars. I am very glad that so many were there, so many members of the House, and far be it from me to whitewash anyone

at any time, whether it is in a public committee hearing or a joint hearing of this Legislature. There we listened to the statements, to the evidence, and in many instances testimony referred to what took place before Belmont A. Smith became Treasurer of State. I think we can drive a stake there, that Belmont Smith should not even be thought of being guilty of what took place before he became Treasurer of State.

It further developed that within the State of Maine, and without calling any names, we have had in our midst, percolating in this Capitol, a Czar of finance, who could chase a variance of two cents as long as anyone in the world and perhaps talk to those responsible for the variance of two cents to quite an extent, and yet we have found out in various ways that thousands and thousands of dollars have left the treasury or money of the State of Maine to the tune, as I understand it, of about \$157,000. We have also found out that in the State of Maine, notwithstanding the loss of this \$157,000, as per the audit, we are better off than we were before. (Laughter) I say that we are just \$157,000 worse off regardless of any reports or audits.

We also heard from a lady that was a witness before our Legal Affairs Committee yesterday, that a short time ago their books did become reconciled and that they had been getting along better, and for a long time after the books got out of balance it went on for some time without the books being balanced, but finally, through some legerdemain, presto chango, the books became balanced and we found ourselves better off by a million dollars and something. It seems to me the seven members of that committee wanted to do their duty — and I, for one, do not feel like pulling the chestnuts out of the fire for anybody; I do not want to whitewash anybody; I do not want to whitewash any condition; I believe the seven members of that committee saw their duty, wanted to do their duty and did do it to the best of their ability when they voted as they did in favor of the Majority Report. It was a public hearing and we asked by order for them to produce the facts by way of evidence and it was produced.

To my mind there was not enough

to hardly create a finger of suspicion that Belmont A. Smith had been guilty of any of the things charged or intimated, and the charges were intimations in a great measure. So I want to simply say that I hope, unless you want to spend more time here, that the majority report will be sustained.

Mr. BIRD of Rockland: Mr. Speaker, I understand now that the matter before us is the acceptance or the rejection of the Resolve that has been presented and not the report of the Committee?

The SPEAKER: The question before the House is action on the Resolution that came to this House from the Senate, adopted in the Senate. The pending question is on the motion of the gentleman from Bath, Mr. Miller, that the Resolution be indefinitely postponed in non-concurrence.

Mr. BIRD: May I have the privilege of speaking, Mr. Speaker?

The SPEAKER: The gentleman has the floor.

Mr. BIRD: Mr. Speaker and members of the House. I rise in support of the Resolution. It seems to me that this is a very important matter, not only for the members of this Legislature but for the State of Maine. If what the members of the Legal Affairs Committee have said is true, then I think Belmont Smith is safe in the hands of this House. It does seem to me if there was not a scintilla of evidence against Belmont Smith presented before that committee, he should certainly welcome a hearing before this House in Joint Convention.

Now no one wants to prosecute Belmont Smith, but we do have a duty here. We will do our duty as the Legal Affairs Committee has done its duty. I believe that this Resolution should be supported, and I believe that Belmont Smith is safe in the hands of this House. I think that we should have the hearing.

Now I have understood, when we have a hearing, as they did before the Legal Affairs Committee, that perhaps it is not strictly legal as it might be in court. I have been informed, and I think correctly, that the State's attorneys were under no obligation, you might say, to present the case and handle it as they would a case in court. I think it was more or less of an ex parte hearing before that committee.

Now if we have a hearing here,

my understanding is by law that the State's attorneys or somebody is obliged to present the State's witnesses and the defense is obliged or has the privilege of cross-examining. I think that is obligatory here.

I think we want to hear about Belmont Smith, and I think it is safe to say that we will pass fair judgment after we hear it. If I am satisfied that Belmont Smith has not been negligent in any way, I am going to vote to acquit him, and I know that you are. But we want to be able to go back home to the people and we want to show them that we have had a hearing and in our judgment, after listening to all the evidence pro and con, we will vote to acquit or convict Belmont Smith. If the evidence is not sufficient in this assembly when we meet, I will vote to acquit him.

I do not believe it is fair to the citizens of the State of Maine. It may be argued that we had a hearing before the Legal Affairs Committee, but time goes quickly and a great many people would have liked to appear before that committee but they did not know the operation of it or the legal effect of it. Now we are only asking here to have a full hearing, so that each member of this House can hear all the evidence and pass upon it. I think that we are entitled to it. I think the State of Maine is entitled to it. I therefore ask that the members of this House support the Resolution (Applause)

Mr. DONAHUE of Biddeford: Mr. Speaker, as one of the members who signed the Minority Report of the Legal Affairs Committee, and, in the absence of the gentleman from Portland, Mr. Cowan, who is a member of this House and who joined with me, I merely desire to make this statement:

In our opinion—and I assure you it was an honest opinion—a department head is responsible for the acts of his subordinates. And, in substantiation of our position, to those of you who were present at the hearing yesterday morning, permit me to point out that every member, every employee of the State Treasurer's office was under bond. Every member of that department with the exception of your State Treasurer was under bond to the State Treasurer. The State Treasurer's bond was the only bond that ran to the State of Maine. It was the

opinion of the minority that the Legislature in requiring Belmont Smith to give that bond certainly intended that Belmont Smith should be responsible for what went on in that department. That, ladies and gentlemen of the House, is going to be one of the questions that this House is going to have to decide after they hear the evidence, if this Resolution is adopted.

The three members who signed the Minority Report, I wish to assure you, were well aware of the provision of the Revised Statutes giving the Governor and Council the right to remove Belmont Smith, but we felt that where the Governor, in his Inaugural Address, had told the Legislators that it was our problem, we felt that there was no shirking to be done. I think every member of the committee felt the same way.

You have heard reference to the questionable origin of the Order, you have heard reference to the fact that we obtained the evidence only after this House ordered the Attorney-General's office and other departments to appear before us. We had a public hearing. It is true we differed in our opinions. I am of the same opinion now as I was at the time I signed that report, and, for the reasons which were set forth in the Resolve that the three members who signed the Minority Report submitted to you, I shall vote for the passage of this Resolution.

Mr. WHITNEY of Bangor: Mr. Speaker, from all the information I have been able to get here this afternoon that comes from the members of the Legal Affairs Committee who signed the Majority Report, practically all the evidence submitted to that committee shows that the State Treasurer was either unjustly accused of acts which took place prior to the time he took office or that possibly came under the jurisdiction of the former Controller. Mr. Smith has been exonerated by the majority of the Legal Affairs Committee. The Legal Affairs Committee is composed of some of the outstanding members of this Legislature. Another thing that strikes me peculiar is that the Legal Affairs Committee were operating under the authority of a resolution from this House. They turned out a divided report. The majority did not find sufficient evidence for ad-

dress proceedings. Somewhere along the line it was found the Resolution was not a proper method to carry this out and therefore the whole business was junked and now they have put in a Resolution and sent it here for us to act on. In the meantime it sounds like persecution.

Mr. MURCHIE of Calais: Mr. Speaker and ladies and gentlemen of the House: I present myself to this body at this time with the assurance that I am a real friend, I believe, of Belmont Smith. You men who know me will agree that I am at least sincere. But I do believe that under the glamour of the big boys of the Legal Affairs Committee that the House may be to some extent misled in what we really are sent here to do. Now we are not here on this occasion voting to remove Belmont Smith. We simply take the stand, or rather may, that we feel there should be a hearing. Just because it happens that there was a hearing and that a really capable lawyer had his own way in the way in which the State's case was presented, it seems to me it would be better for Belmont Smith to appear before this larger group. I hate to go against the opinion of some of my friends here. I believe not only that we should have a hearing but I believe that Belmont Smith himself should have asked for a hearing before this larger group.

Mr. PAUL of Portland: Mr. Speaker, in my judgment this question of setting a hearing is one of the most serious problems we have been asked to consider. Right at the outset, I will say that I am in favor of the Resolution. The reason why is this: It was not my privilege yesterday to hear the evidence taken before the Legal Affairs Committee. I am not satisfied to go along with the Majority Report. Mr. Smith has been an acquaintance of mine for many years. If I were in his place, I would be glad. I would request a hearing before this body. To my mind if we are asked to vote on this problem now, we are voting without the proper information. I have the greatest respect for the Legal Affairs Committee. It was my privilege in the 87th Legislature to serve on that committee and I know something about the procedure in committee. There were three who signed the Minority Report. The gentleman from Portland, Mr. Cowan, has been called

from this Legislature today and therefore is not here to present his views. I can only say that I shall have to go along with the Resolution and for those reasons.

Mr. McGLAUFLIN: Mr. Speaker, I would just like to ask how many times we have got to try Mr. Smith. What was the use of having that hearing before the Legal Affairs Committee if we did not intend to pay any attention to it? We selected a jury to try Mr. Smith. They had a public hearing. Everybody was given the privilege of being there. All the accusations they had against him were presented and, because somebody is not satisfied with the Majority Report, they now want the matter taken up again in a Resolution before the whole House. To me it sounds utterly ridiculous and I am still opposed to that Resolution.

Mr. DWINAL: Mr. Speaker, I would like to make my position a little clearer. I can agree with the statements made here, but I see no reason why Belmont Smith should not be tried before the whole body. What I question is the propriety of hearing it again at this time when there is no additional evidence. Why not give the investigating committee a chance to see if they can pick up any additional evidence. If we have another hearing next week and he is exonerated and in the course of a few weeks the investigating committee finds additional evidence, then we will have to have a third hearing, and it might go on indefinitely. Why not wait until our own investigating committee finds out if there is any additional evidence. The report of the evidence presented at the hearing yesterday was taken and I understand should be ready for distribution within a short time. It seems to me we should wait to see if there is any more evidence before a hearing before the whole body would be justified.

Mr. MARSHALL of Auburn: Mr. Speaker, I concur in the remarks of the gentleman from Camden, Mr. Dwinal. My mind has changed. I think three times during the course of the arguments. I do feel at this particular time that a motion to table the Resolution until the investigating committee has made a report would be more in order than a motion for indefinite postponement. I feel that the evidence before the Committee on Legal Affairs

was properly dealt with by the majority. If no further evidence was introduced, I certainly would go along with that report. With the sentiment as I have heard it here expressed, and in order that there can be no charge of any "cover-up" or anything that would bring more injustice to Mr. Smith then perhaps already has, I feel in fairness to him and ourselves, that we should delay action on this motion until we are sure it is all of the evidence. Therefore I oppose the motion to indefinitely postpone and later will make a motion to table the resolution.

Mr. SLEEPER: Mr. Speaker, as far as I can see in the eyes of a layman, Belmont Smith has had his hearing. I have known him for several years. I have known him to be a fine, honest man. Belmont Smith sat upon the Governor's Council, and was a member of this House several terms. I heard the case presented against him. I came over purposely to see this trial. The case was presented by the best brains the State could afford apparently. We had the Attorney General and as a right bower another prominent attorney. Mr. Smith was defended by one single attorney. The hearing was advertised before the Legal Affairs Committee, which is supposed, I believe, to have the cream of the legal members of the House. Not one single bit of evidence was proven against Mr. Smith and everyone was joking about it. Seven members of that Committee voted that he be exonerated and I certainly hope, Mr. Speaker, that Mr. Smith will not be crucified on the ballot box. I hope the Resolution is not adopted.

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. Miller, that the Joint Resolution be indefinitely postponed.

Mr. DWINAL: Mr. Speaker—

The SPEAKER: The gentleman from Camden, Mr. Dwinal, has spoken twice. Does the gentleman desire leave to speak the third time?

Mr. DWINAL: Yes, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. DWINAL: Mr. Speaker, I wish to make a motion. It is my understanding that a motion to table takes precedence over a motion to indefinitely postpone. I make the

motion that the Resolution lie on the table.

The SPEAKER: The gentleman from Camden, Mr. Dwinal, moves that the Joint Resolution lie on the table pending the motion of the gentleman from Bath, Mr. Miller, that the Resolution be indefinitely postponed. All those in favor of the motion that the Resolution lie on the table will say aye; those opposed, no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: Is the House ready for the question?

The gentleman from Rockland, Mr. Bird, has asked that the vote be taken by the yeas and nays. Under the statute the yeas and nays will be ordered at the request of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Sixty-nine having arisen, sixty-nine being obviously more than one-fifth of the members present, the roll call is ordered.

The Chair will read at this time Rule 22:

"Every member who shall be in the House when the question is put, where he is not excluded by interest, shall give his vote, unless the House, for special reason, shall excuse him, and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared."

If there are any persons sitting in members' seats who are not members of the House, they will please withdraw.

The question before the House is on the motion of the gentleman from Bath, Mr. Miller, that the Joint Resolution be indefinitely postponed. All those in favor of the indefinite postponement of the Joint Resolution will answer yes when their names are called; those opposed to indefinite postponement will answer no. The Clerk will call the roll.

YEA—Bates; Burgess, Limestone; Buzzell, Churchill. Cleave, Clough, Dean, DeBeck; Dow, Norway; Dwinal, Eddy, Erswell, Everett, Farwell, Fernald, Grua, Hall, Hinkley, Holden, Howes, Latno, MacNichol, Maxim, McGillicuddy, McGlauffin, Melanson, Merrifield, Miller, Otto, Palmeter,

Payson, Plummer, Preble, Ramsdell, Richardson, Shesong, Sleeper; Snow, Dover-Foxcroft; Snow, Hermon; Tardif, Townsend, Wallace, Weatherbee, Whitney, Winslow, Winter, Worth; Young, Acton

NAY—Arzonico, Ayotte, Babin, Bacon, Batchelder, Belanger, Bird, Belduc, Bragdon; Brown, Caribou; Brown, Corinna; Brown, Eagle Lake; Bubar, Burbank, Butler, Chandler, Cook, Crockett, Cushing, Dennison, Donahue, Douglass, Dow, Eliot; Downs, Ellis Emery, Ford, Fowles, Good, Goss, Hanold, Haskell, Hawes, Hildreth, Hinman, Hodgkins, Holman, Hussey, Jordan, Keene, Labbe, LaFleur, Lambert, Leveque, Lord, Luro, Mahon, Marshall, McNamara, Mercier, Meserve, Mills, Murchie, Norwood, Noyes, Paul, Peakes, Pelletier; Poulin, Rumford; Poulin, Waterville; Pratt, Race, Robbins, Robie; Robinson, Bingham; Robinson, Peru; Robinson, South Portland; Slosberg; Smith, Thomaston; Smith, Westbrook; Stacy, Starrett, Stephen, Sylvia, Thompson, Varney, Walker Weed, Williams.

ABSENT—Barter, Cowan, Davis, Dorrance, Dorsey; Dow, Kennebunkport; Fogg, Jewett, Larrabee; Pike, Lubec; Porell, Stevens, Violette, Welch.

Yes—48.

No—79.

Absent—14.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-nine in the negative, with fourteen absentees, the motion for indefinite postponement does not prevail.

The question now before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the Resolution be adopted in concurrence.

Mr. BIRD of Rockland: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves that the vote be taken by the yeas and nays.

Mr. LaFLEUR of Portland: Mr. Speaker, may I ask a question of the Chair?

The SPEAKER: If it is a parliamentary question, the gentleman may ask it of the Chair. If it is any other question, the gentleman may ask it of some member.

Mr. LaFLEUR: Mr. Speaker, let us assume that this body arrived at an acquittal after the hearing, and then the former State Controller, in his evidence before this body or any other body, should vindicate the

State Treasurer, could we try him again?

The SPEAKER: The Chair does not feel that is a parliamentary inquiry. If the gentleman wishes to address his question to any member, he may do so.

Mr. LaFLEUR: Can any member of the House answer that question?

The SPEAKER: Is the House ready for the question?

Mr. VARNEY of Berwick: Mr. Speaker, I would like to answer the gentleman's question by saying that I know of no reason why we could not attempt to remove a public official at any time we desired to do so.

The SPEAKER: The gentleman from Rockland, Mr. Bird, has requested that the vote be taken by the yeas and nays. To entertain the request for a roll call requires the consent of one-fifth of the members present. All those who desire the vote taken by the yeas and nays will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously less than one-fifth of the members present having arisen, the yeas and nays are not ordered.

The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the Joint Resolution be adopted in concurrence. All those in favor of the adoption of the Resolution will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Resolution was adopted in concurrence.

From the Senate:

STATE OF MAINE

In Senate May 29, 1940.

ORDERED, the House concurring, that the following rules of procedure be observed at the hearing proposed by a Joint Resolution of the two branches of the Legislature upon the alleged causes of removal in the case of Belmont A. Smith, Treasurer of State:

First: For the purpose of granting a joint hearing agreeably to a vote of the two branches of the Legislature, they will meet in Joint Convention in the Hall of the House of Representatives on Tuesday, the fourth day of June, A. D., 1940 at nine o'clock in the forenoon, E. S. T.

Second: The President of the Senate shall preside in Convention

and in his absence or with his consent, the Speaker of the House may preside. Both, when present, shall hear and determine the questions of admissibility of testimony and other questions of law that may arise, and their judgment given by the one presiding, or by the other, at his request, shall be final and not subject to appeal.

Third: The presentation of the testimony in support of the charges shall be made by such counsel as may be designated by the Joint Standing Committee on Judiciary, and the Treasurer may be heard by himself and by counsel and witnesses.

Fourth: The secretary of the Senate shall issue due subpoenas for the summoning of such witnesses as may be requested either by counsel for the proponents or for the Treasurer, and the same rules of evidence shall govern as in the trial of civil actions in the Superior Court. All depositions shall be taken forthwith, but no depositions shall be admitted unless it is shown that both parties had opportunity to present and participate in its taking and that the deponent is unable to be present at the hearing. The presiding officers shall decide all questions of the admissibility of evidence, procedure, practice and pleading, and from decisions given, in the manner provided in Rule Second, there shall be no appeal.

Fifth: No debate whatever shall be admitted in the Convention.

Sixth: No motion shall be admitted or entertained except to take a recess to a time certain or to dissolve the convention when such motion shall be decided without debate.

Seventh: No person shall be admitted to the floor of the House except members of the convention, counsel, witnesses, reporters of the press and the officers of both branches, except by order of the President of the Senate or Speaker of the House.

Eighth: Upon the convening of each session of the convention, the roll of both branches of the legislature shall be called, and no member of the convention shall leave the Hall during a session without permission from the presiding officer.

Ninth: **BE IT FURTHER ORDERED**, that a copy of this order be attested by the President of the Senate, and be served on Belmont

A. Smith, by such person as the President of the Senate shall appoint for that purpose who shall make such service upon his personal affidavit without delay.

Comes from the Senate, in that body the Order read and passed.

In the House:

The **SPEAKER**: Is it the pleasure of the House that the Order have passage in concurrence?

Mr. **VARNEY** of Berwick: Mr. Speaker, I am in favor of the passage of the Order, but, with the thought in mind that we do not want to do anything here that every member of this House does not understand, just let me call to your attention the fact that under the rules as set up by that Order I think there are but two departures from the set of rules that has been used in at least one similar proceeding here.

The first departure is the inserting in these rules of a provision that the roll shall be called previous to each session, and no member of the Convention will be permitted to leave the floor of the House except with the permission of the presiding officer.

The other difference from the rules previously accepted is that this Order provides that the Joint Committee of Judiciary of this Legislature shall designate the attorney or attorneys who shall conduct the hearing on behalf of the Legislature.

I think that in at least one other proceeding the Legislature itself directed the Attorney General or such attorney as he should designate, to present the evidence for them.

The **SPEAKER**: The question is on the passage of the Order in concurrence. All those in favor of the passage of the Order will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Order received passage in concurrence, and five hundred copies of the Joint Resolution were ordered printed.

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate:

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

Comes from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act relating to the State Museum" (S. P. 737) (L. D. 1233)

Comes 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.

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

Comes from the Senate referred to the Committee on Library.

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

From the Senate:

The following Communication: (S. P. 711)

STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

May 23, 1940

To the President and Members of the Senate:

To the Speaker and Members of the House:

I have the honor to transmit herewith the original copy of the complete report of Ernst and Ernst, covering their audit report of the financial transactions of the State of Maine for the fiscal years ending June 30, 1938, and June 30, 1939.

Included also, is the original copy of the condensed report and consolidated general balance sheet for the fiscal year ending June 30, 1939.

Although these documents are addressed to the Governor and Council, in conformity with the terms of the council order No. 145, dated February 28, 1940, I believe the reports are of great importance and should be transmitted for such use and study as the Legislature may deem appropriate.

Respectfully submitted

(Signed) Lewis O. Barrows,
Governor.

Comes from the Senate, in that body read and ordered sent to the House.

In the House, the communication was read and referred to the Joint Select Committee for the Study of State Departments and sent to the Senate.

From the Senate:

The following Communication: (S. P. 712)

STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

May 23, 1940.

To the President and Members of the Senate:

To the Speaker and Members of the House:

I have the honor to transmit a further report received today from Ernst and Ernst. It covers some of their observations during the process of their examination not included in the complete report, which already has been presented to the Legislature.

I am of the opinion that if it is desired that Ernst and Ernst continue their detailed audit and prepare another complete report, it should have the authorization of the Legislature.

Therefore I am submitting this memorandum the same day that it was received by me for such action as the Legislature may deem appropriate.

Respectfully submitted,

(Signed) Lewis O. Barrows
Governor.

Comes from the Senate, read and ordered sent to the House.

In the House, the communication was read and referred to the Joint Select Committee for the Study of State Departments and sent to the Senate.

The SPEAKER: The Chair will announce at this time appointments to fill two additional vacancies in joint standing committees:

Joint Committee on Library, the member from Bangor, Miss Clough.

Joint Committee on Military Affairs, the gentleman from Portland, Mr. LaFleur.

Is there any business to come before the House under Orders of the Day?

Mr. VARNEY of Berwick: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks unanimous consent to address the House. Is there objection? The Chair hears none, and the gentleman may proceed.

Mr. VARNEY: Mr. Speaker, the special committee to study the Auditors' report, of which I am a member, has requested that I call to the

attention of the members of the House two typographical errors in the printed reports that were presented to you, in order that there may be no misunderstanding later on concerning the correctness of this report.

If you will turn to Page 43 of the printed report, at the top of the page, the third column from the right, there appears in the printed report an item at the heading of the column which says, "Appropriation Balances, June 30, 1939." Now the 1939 on the original report was 1938. And, on the same page and in the second column from the left, or the column which is headed "Disbursements," going down the column to the item of disbursements under "Highway," which is the fifth item from the bottom of the page, there appears in the printed report the figure of \$1,786,067.72. There should be inserted before the one million the figure "1," which would make that figure \$11,786,067.72. In other words, the figure "1" was omitted from the printed report and should be there. And may I say that was clearly a typographical error because the figure of \$11,786,067.72, the correct figure, appears in this report at another page, to wit, on Page 39, under Expenditures ending June 30, 1938, the last column on the right down near the bottom of the page, under Highway, you will find that figure given correctly as \$11,786,067.72.

I now move that the House recess until 4.30 Standard time.

After Recess—4.30 P. M.

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following communication:

STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA

May 24, 1940.

To the President and Members of the Senate:

To the Speaker and Members of the House:

I herewith transmit a memorandum delivered to me Friday afternoon, May twenty-fourth, from the State Budget Officer, in reference to our Federal Aid Highway program.

If, in the judgment of the Legis-

lature, it seems expedient to take maximum advantage of Federal Aid provisions, it would appear advisable to give consideration at this session to the information contained in the enclosed memorandum.

Respectfully submitted,

(Signed) Lewis O. Barrows,
GOVERNOR.

State of Maine DEPARTMENT OF FINANCE STATE BUDGET OFFICER AUGUSTA

May 24, 1940

Memo to: His Excellency

Governor Lewis O. Barrows

The State Highway Commission has informed me that there are available Federal highway funds amounting to approximately \$1,326,000.00 already allotted to Maine for Federal highway construction. In order to take advantage of this allotment it will be necessary to provide approximately \$1,700,000.00 of the State money. The difference between these two is due to the fact that the Federal Government does not share in the cost of engineering land damages and like costs. On these the State pays the entire amount.

Under authorization of Chapter 96 of the Resolves of 1935, a bond issue of \$6,000,000.00 for highways was authorized, of which to date \$4,500,000. has been issued, leaving \$1,500,000.00 available for issue. The entire issue, because of statutory and possible constitutional limitation is fixed at \$1,000,000.00 for each fiscal year. This annual \$1,000,000.00 limit makes it impossible for the State to take full advantage of Federal highway aid for the next two fiscal years.

From 1925 to date all authorizations for bond issues have been made with a non-reissuance constitutional limitation. Authorizations prior to 1925 carried no such limitations.

In 1929 the Legislature authorized reissuance of \$1,775,000.00 of bonds from these early issues. On September 3, 1929, \$900,000.00 in bonds were so reissued and, on November 1, 1929, \$556,000.00 more were reissued. This \$1,456,000.00 represented all retirements available under the 1929 authorization to November 1, 1929.

From November 1929 to date the maturity and retirement of bonds from unlimited issues has been \$2,746,500.00.

The following tabulation shows the dates and amounts issued, the maturities and retirements:

BOND ISSUES PRIOR TO 1925 and MATURITIES TO MAY 1, 1940

Date Issued	Amount	Matured to May 1, 1940
September 1, 1913	\$ 300,000.00	\$ 195,000.00
July 1, 1914	500,000.00	327,500.00
April 1, 1915	500,000.00	500,000.00
March 1, 1916	500,000.00	500,000.00
May 1, 1917	200,000.00	80,000.00
April 1, 1920	2,500,000.00	1,100,000.00
August 1, 1921	1,750,000.00	1,500,000.00
	<hr/>	<hr/>
Reissued Sept. 3, 1929	\$6,250,000.00	\$4,202,500.00
Nov. 1, 1929	900,000.00	
	556,000.00	1,456,000.00
	<hr/>	<hr/>
Available for reissue by Legislative Authorization		\$2,746,500.00

With proper legislative authorization it would be possible to reissue bonds from the unrestricted issues in sufficient amounts to provide the \$400,000.00 needed for Federal Aid matchings for the fiscal year beginning July 1, 1940. Furthermore, such amounts as are necessary could be authorized to supplement the \$500,000.00 remaining unissued from the present authorization, thus providing for the matching of the Federal Aid for the fiscal year beginning July 1, 1941.

Respectfully submitted

(Signed) W. H. Deering,

State Budget Officer.

Come from the Senate, in that body taken from the table today and ordered sent to the House.

In the House:

Mr. STILPHEN of Dresden: Mr. Speaker and members of the House: As I understand it, the State is short \$400,000 to match the entire sum that is available from Federal sources. Previous to 1925, the Legislature in session has a right to re-issue bonds, as I understand it. If we in this special session should issue these bonds, we can receive the entire amount from the Federal Government. If we do not issue them, this money will not be lost, but it will be available by issuance from the regular session. Therefore, Mr. Speaker, I move the communication, with accompanying memo, be laid on the table and five hundred copies be printed.

The motion prevailed, the communication, with the accompanying memo, was tabled pending consideration, and 500 copies ordered printed.

ORDERS

(Out of order)

From the Senate:

ORDERED the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, June 4th, 1940, at 8:30 A. M. Eastern Standard Time (S. P. 742)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate:

ORDERED, the House concurring, that the Superintendent of Public Buildings be directed to make available and suitably equip Room 102 of the State House, for the use of the Senate Reporter and his staff during the present special session, beginning with Tuesday, June 4th, 1940. (S. P. 743).

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. McGlauffin of Portland, be excused from attendance next Tuesday and Wednesday because of attendance at the Maine Law Court; and that Mr. Otto of Dexter, be excused for the week because of his absence from the State.

The **SPEAKER**: Is there any further business to come before the House?

Mr. BURGESS of Limestone: Mr. Speaker, I would like to have unanimous consent to address the House.

The **SPEAKER**: The gentleman from Limestone, Mr. Burgess, asks unanimous consent to address the House. Is there objection? The Chair hears none, and the gentleman may proceed.

Mr. BURGESS: Mr. Speaker, and members of this Legislature: I want to refer briefly to the communication from the Governor relative to the Federal funds for your highways.

Let me state to you on the start that I am sure it is not the wish of anyone connected with your legislative highway committee to appear in any capacity of asking something unreasonable. What I rise to say is this: That I wish you would all, over the recess or any time convenient to you, study this matter, and when we convene again, will you make it known to the House Chairman or someone how you feel relative to the matter.

The amount which is available from the Federal Government has accumulated, as I understand it, and I think I am correct, due to the fact that in letting contracts for the last two or three years they have been able to let them for less than the budget amount, and, under the set-up those amounts which

were not expended have been set aside, and necessarily so, and have accumulated to about \$400,000 where on the part of the State the money previously available to match those funds has been expended.

In order to avail ourselves of that fund, there can only be one other method, as I understand it, other than this that the Governor has mentioned, and that would be to take it from maintenance, as your other accounts are stipulated in amount by legislative act of the regular session. So I hope you will all be interested enough in your highways to give the matter serious consideration. In view of the result of the bond issue which went to referendum last summer, I think we should be thoroughly satisfied as to the advisability before any measures are brought in. I thank you.

The **SPEAKER**: Is there any further business to come before the House?

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

ORDERED, that Mr. Babin of Frenchville, be excused from attendance for the coming week because of his absence from the State.

On motion by Mrs. Robinson of South Portland,

Adjourned until Tuesday, June 4th, at 8:30 A. M., Eastern Standard Time.