

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# **Legislative Record**

**SPECIAL SESSION**

**JULY 22, 1940**

**HOUSE**

Wednesday, July 24, 1940.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

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

**Judiciary**

Bill "An Act to Prohibit Certain Political Activities" (H. P. 2275) (Presented by Mr. Mills of Farmington)

(500 copies ordered printed)

**Military Affairs**

Bill "An Act Relating to Officers and Employees in Military Service (H. P. 2276) (Presented by Mr. LaFleur of Portland)

(500 copies ordered printed)

Sent up for concurrence.

**Orders of the Day**

Mr. VARNEY of Berwick: Mr. Speaker, I would like to inquire if Bill "An Act Accepting from Percival Proctor Baxter Conveyance by Deed of Gift" is in the possession of the Clerk.

The SPEAKER: The Clerk informs the Chair that it is.

Mr. VARNEY: Mr. Speaker, yesterday I offered an amendment to that Bill which I thought at that time added an enacting clause which did not appear to be on the Bill. After adding the amendment, it was discovered that the enacting clause was already there and that the amendment was not necessary. For the purpose of striking off the amendment and getting back to where we were before we started, I move that we reconsider our action whereby we passed the Bill to be engrossed.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House reconsider its action of yesterday whereby Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 4,174 Acres of Land in Piscataquis County, Maine" (S. P. 776) was passed to be engrossed.

Thereupon, the motion prevailed and the House reconsidered its action whereby the Bill was passed to be engrossed; and on further motion by Mr. Varney the House reconsidered its action whereby House Amendment "A" was adopted, and House Amendment "A" was indefinitely postponed.

Mr. COWAN of Portland: Mr. Speaker and members of the House: It is my privilege to rise here in your presence and speak a slight word of appreciation in behalf of the people of the State of Maine and of this Legislature for the magnificence of the gift of our former Governor, Percival Proctor Baxter.

I have myself had occasion several times to climb Mt. Katahdin. I hope that each and every member of this Legislature has had that privilege, and, if you have not as yet, and if you are physically able to do it, I hope that at some day each and every one of you will do so. There is a wonder and magnificence about that mountain that I think is unsurpassed, and in all the mountains that I have ever climbed I have never found one that impressed me quite the way that one does. It stands alone, as you know, a single isolated peak in the wildest part of the wildest State, in some ways, that we have in this Union. From its top you can see a vast panorama of lakes and mountains and trees, and even the Atlantic Ocean, on the south. You can get a glimpse of nature such as is not to be seen by the persons who have not climbed mountains. You can get something for your soul that you will ordinarily not get from travelling along the level of the lowlands. There is something about that mountain that impresses one more than other mountains, and that is this: The tremendous growth of forest on its lower slopes, the impressiveness of that timber line which you who have climbed the mountain have seen, where the trees abruptly stop and you meet enormous boulders, through and over which you have to climb to reach the upper plateau. There is something about it that has made an impression on every man who has climbed it, and it impressed Governor Baxter so much that after he finished his term of office he resolved in his mind that he would make it possible for the people of Maine to own that mountain forever, so that it should not be de-

filed, and he has made this gift to us and our children forever.

I think it is only fitting that we as a Legislature should express our appreciation to Governor Baxter for his magnificent gift. I thank you, members, for the time you have given me. (Applause)

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the Bill be passed to be engrossed in concurrence. Is this the pleasure of the House?

Thereupon, the motion prevailed and the Bill was passed to be engrossed in concurrence.

On motion by Mr. Varney of Berwick, the House voted to take from the table Report of the Special Investigating Committee, with accompanying testimony, tabled by that gentleman on Monday, July 22nd, pending the motion of the gentleman from Skowhegan, Mr. Hinman, that the Report be accepted; and on further motion by Mr. Varney the Report was accepted and sent up for concurrence.

On motion by Mr. Hodgkins of Bar Harbor, out of order and under suspension of the rules, it was

ORDERED, that Mr. McGlaulin of Portland, be excused from attending the sessions of the House today because of his attendance in court; also that Mr. Leveque of Lewiston, be excused from attendance from the sessions today because of urgent business.

#### House at Ease

10:15 A. M.

Called to order by the Speaker.

Papers from the Senate, out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be, and hereby is, ordered to cause to be prepared a copy of the transcripts of testimony which accompanied the Partial Report of the Committee created by Joint Order, H. P. 2254, of the following witnesses: William Owen, Thomas Wood, Captain Homer Orr, B. West Lewis; and forward such copies to the County Attorney of Kennebec County for presentation by him to

the Grand Jury of Kennebec County (S. P. 779)

Comes from the Senate, read and passed.

In the House:

Mr. VARNEY of Berwick: Mr. Speaker, for the information of members of the House, this Order, together with two more Orders which I think will come right along, was prepared by the Investigating Committee, following up three of the recommendations of that Committee in their Report. I assume that you all understand and remember what those recommendations were. It so happens, however, that the record of the Committee referred to in that Order as being in the legislative file has not as yet reached the legislative file. In order that this Order may not pass until the records are in the legislative file, I move that the Order lie on the table.

The motion prevailed and the Order was tabled pending passage in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be, and hereby is, ordered to cause to be prepared a copy of the transcripts of testimony which accompanied the Partial Report of the Committee created by Joint Order, H. P. 2254, of the following witnesses: Burtis F. Fowler (2 statements), Lewis O. Barrows, John Healy, Fred Robie; and forward such copies to Major John W. Healy, Chief of the Maine State Police.

AND BE IT FURTHER ORDERED, the House concurring, that the following exhibits be forwarded by the Secretary of the Senate to Major John W. Healy, Chief of the Maine State Police: Number 30 Maheux letter, Number 32 Jackson affidavit, Number 31 Maheux envelope, Number 29 Maheux card (S. P. 778)

In the House:

On motion by Mr. Varney of Berwick, the Order was tabled pending passage in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be, and hereby is, ordered to cause to be prepared a copy of the transcripts of testimony which accom-

panied the Partial Report of the Committee created by Joint Order, H. P. 2254, of the following witnesses: George O'Donnell, Ellen Cunningham, Agnes Faulkner, Arthur Freeman; and forward such copies to the County Attorney of Androscoggin County for presentation by him to the Grand Jury of Androscoggin County:

AND BE IT FURTHER ORDERED, the House concurring, that the Secretary of the Senate cause to be made photostatic copies of the following exhibits: Number 1 O'Donnell testimony, Numbers 1, 2 and 3 Freeman testimony; and forward such photostatic copies to the County Attorney of Androscoggin County for presentation by him to the Grand Jury of Androscoggin County (S. P. 780)

Comes from the Senate, read and passed.

In the House:

On motion by Mr. Varney of Berwick, the Order was tabled pending passage in concurrence.

From the Senate:

Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provisions relating to the Office of Treasurer of State (S. P. 770) (L. D. 1254)

Comes from the Senate, in that body given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House:

Mr. BUZZELL of Belfast: Mr. Speaker, is that Resolve very long?

The SPEAKER: The Clerk informs the Chair that the Resolve has been printed as L. D. 1254. Does the gentleman desire the document to be read?

Mr. BUZZELL: Yes, Mr. Speaker, if it is not too long.

The Resolve was then read by the Clerk.

Thereupon, under suspension of the rules, the Resolve was given its two several readings and passed to be engrossed in concurrence without reference to a committee.

From the Senate:

Bill "An Act relating to Registration of Veterans' Graves" (S. P. 774)

Comes from the Senate, in that body received by unanimous consent, given its several readings under suspension of the rules and

passed to be engrossed without reference to a Committee.

In the House:

Mr. LaFLEUR of Portland: Mr. Speaker, I move that the Bill lie upon the table.

The SPEAKER: The question before the House is on the reception of the Bill by unanimous consent. Does the gentleman desire to request unanimous consent to address the House?

Mr. LaFLEUR: Mr. Speaker, I am not prepared at this time to discuss the merits of the particular Bill, as there is a gentleman from Portland arriving at 2 P. M. with certain information.

The SPEAKER: The gentleman will have to ask unanimous consent if he wishes to address the House.

Mr. LaFLEUR: Mr. Speaker, may I have the unanimous consent to address the House?

Unanimous consent was granted.

Mr. LaFLEUR: Mr. Speaker, my reason for placing this Bill upon the table is for the reason that this Bill or a similar Bill was passed at the regular session of this Legislature, at which time the sum of five thousand dollars was appropriated to carry on the work of the registration of Veterans' graves in the State of Maine. It is my understanding that the Federal Government as of the present date has given to the State of Maine rising eighty thousand dollars. An appropriation of five thousand dollars for administrative expense is now exacted, and we are asking this House if they are willing to pass an additional appropriation of five thousand dollars to carry on the work in the State. The Federal Government is prepared to advance eighty thousand dollars more. Before the matter was finally placed before you, I wanted to place upon the desks of each Legislator a statement of how the five thousand dollars was actually spent, who received the money, what it was paid for, how the eighty thousand dollars was expended in the State, and the plans for the future on this registration of graves. I felt that the House was entitled to know how this money was being spent, what progress was being made, and what plan we had for the future, so that you might intelligently vote upon the particular Bill.

Now if the procedure is to have this Bill unanimously received in this body, I hope this House will grant that request, and I assure

you, whether it be passed or not, that you will have complete information as to how this money was spent. That information is presently on the way from Portland, from the individual who has handled this registration of Veterans' graves in the State. With that explanation, and with the hope that the entire House will go along with us up to that point, until you have the information—apparently we must introduce it here before we can lay it on the table—I hope you ladies and gentlemen will go along with us up to that point, so that you can get a clear picture of what we are presenting here.

The Bill was then read by the Clerk in its entirety.

The SPEAKER: The Chair rules that the pending question is on the admission of the Bill by unanimous consent. Is there objection? The Chair hears none, and the Bill is received. Does the gentleman move that the Bill lie on the table?

Thereupon, on motion by Mr. La-Fleur, the Bill, "An Act relating to Registration of Veterans' Graves" (S. P. 774) was tabled pending reference.

From the Senate:

Report of the Joint Special Legislative Investigating Committee, Created by Joint Order H. P. 2254, reporting Bill "An Act Providing for the Expiration of All Orders of the Governor's Council at the End of its Term" and that it "Ought to pass."

Comes from the Senate, Report read and accepted and the Bill passed to be engrossed.

In the House:

Report was read and accepted in concurrence.

The SPEAKER: The Clerk will read the Bill.

The Bill was read by the Clerk.

Mr. VARNEY of Berwick: Mr. Speaker, I think perhaps I might make a very brief explanation of this Bill by saying that it follows the recommendation of the Investigating Committee as contained on Page 49 of the pamphlet report of that Committee, the specific recommendation being "that the Legislature should, by appropriate action, provide that no Order of the Governor and Council continue in effect after the expiration of the term of office of the Council passing the Order."

Probably I do not need to make

any explanation. I think I can safely say that if you will read the Report of the Committee, it will be apparent to you, as it was to the members of the Committee, that some of our difficulties, at least, are caused by the fact that some Councils have passed Orders doing various and sundry things, such as, for instance, granting "no fee" registration plates to counties, that Order, as I remember, having been passed back in 1933 or 1932, and, without any legislative enactment, has continued to be the law of Maine ever since, succeeding Governors and Councils not even being aware of the fact that that was apparently made the law by the Council.

If this Bill passes, it will simply mean that each incoming Council will be charged with the duty of passing their own Council Orders, no matter what that may affect.

One or two questions have been asked of me if this Bill would involve the passage of many Council Orders when the new Council comes in, and I have said that of course that is probably true. But it is the feeling of the Committee that where by law the Governor and Council are charged with the duty of, for instance, fixing salaries for employees of the State, that each Governor and each Council, as they come in, should not only be charged with the duty but should perform it, and that each incoming Council should actually fix those salaries. Under the present practice it is very easy for a member of the Council, or the Council at large, or the Governor and Council to say, when a question arises concerning the salary of a certain employee of the State, which the statute says that the Governor and Council shall fix, it is very easy, when that question comes up, for that Governor and Council to say, "Well, that was not fixed by this Council but was fixed by some previous Council."

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

The SPEAKER: The gentleman may ask his question.

Mr. COWAN: The question occurs to my mind that some of these Orders fixing salaries might not carry over until the Council has time to pass on the matter. I wonder if that has been considered in drafting the Bill. I am not sufficiently acquainted with administrative matters to know whether that is

possible. Might it be that certain officials who have been employed by the Governor and Council and their salaries fixed, and who are performing important administrative duties, might find themselves temporarily without salaries and without employment, and some necessary work might lapse for the time being. Has that possibility been considered by the Committee?

The SPEAKER: The gentleman from Berwick, (Mr. Varney) may answer if he wishes.

Mr. VARNEY: Mr. Speaker, I think perhaps I can answer the gentleman's question by saying first that it was very carefully considered and the Committee felt that perhaps it might be a good thing if some of the employees of the State did find themselves without salaries on the first of the year or on the day the new Council came in, unless they persuaded the new Council that their salaries were justified and the new Council saw fit to re-fix them and pay them their continuing salary.

I might cite a specific example, perhaps, to illustrate what we mean, by calling your attention to the report which we filed, in which we state in substance that during the last session of the Legislature a Bill was presented to this Legislature which would have created the office of Secretary for the Safety Coordinating Committee. That Bill, as stated in our Report, was defeated by the Legislature. Sometime thereafter the Governor and Council, by Council Order, created the office of Secretary to the Safety Coordinating Committee and fixed his salary as sixty-four dollars a week. Now it was the thought of our Committee that if that action was justified by the Governor and Council, that it should have no effect when the new Governor and Council comes in—and I do not point to him for any specific reason except to illustrate what we mean—if that individual feels his job should be continued next year or thereafter, he might do one of two things: He could have the incoming Council again set up the position of Secretary to that Committee and fix the salary at sixty-four dollars a week, or whatever they see fit to fix it, or he could come to the Legislature and ask them to permanently set up that position and permanently fix that salary if we saw fit, if that answers the gentleman's question.

Thereupon, the Bill had its two several readings, and under suspension of the rules was given its third reading and passed to be engrossed in concurrence, and five hundred copies ordered printed.

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

Out of order and under suspension of the rules, Mr. Burgess of Limestone, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that each member of the Special Legislative Investigating Committee be paid \$10 extra expense allotment for each day they have spent and do spend in the future on their duties under Joint Order H. P. 2254; to be paid out of the appropriation for legislative expense.

Mr. BURGESS: Mr. Speaker, this perhaps does not need any explanation. I think every member present is well aware of the days, many days, three to five days a week, which this Committee has spent in the interests of this work in the past. They have submitted to us a fine partial report, and in that report they made certain recommendations, and I, for one, and I think that you are all agreed, that those recommendations should be carried out, and that this Committee should continue to function until they have thoroughly investigated every department in the State. That is something which I believe we owe to the people of the State of Maine as well as to ourselves. I think it is absolutely unfair to ask eleven men, which I believe is the correct number, to come here and spend their time without being in some degree paid for it. Each one of the members of that Committee has work to do at home, as well as you and I, and no doubt are losing an immense amount of business by spending their time in Augusta in the interests of this work. I hope that the members of the House will agree with me and that this Order will have passage.

Mr. VARNEY of Berwick: Mr. Speaker, your Joint Committee discussed this matter of pay, and whatever I say now I am saying by direction of the Committee. First, I was directed, in the event anyone should attempt to arrange that we might be paid for our time, to convey this to the House: That all the

members of the Committee appreciate the attitude shown by you members, not only in wanting to pay us for the time that we put in, but in being patient and allowing us to proceed along our own lines without criticism or questioning concerning our method of procedure. It was the unanimous vote of the Committee—and when I say unanimous I mean unanimous—that we not only did not wish to be paid for the time that we have put in, and for such time as we contemplate putting in in the future, but we did not feel that we should, out of a sense of duty to the citizenry of Maine, accept any pay for this service, even if it should be voted to us by this Legislature.

We are also somewhat pleased to think that you should appreciate our services sufficiently to try to pay us, and especially should we be pleased, perhaps, that such an Order has been presented, because we would like, naturally, to have it brought to the attention of the people that we are not being paid. I therefore ask, on behalf of our Committee, that this House indefinitely postpone this Order, and I so move. (Applause)

Mr. BURGESS: Mr. Speaker, I would like to have the consent of the House to withdraw the Order.

The SPEAKER: If there is no objection, the Chair understands that the gentleman's request is granted.

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

Mr. MURCHIE of Calais: Mr. Speaker, I would just like to state on this occasion that I am grateful to the gentleman from Limestone, Mr. Burgess, for the withdrawal of the Order. It would have placed us in a very peculiar position if we were asked to vote on such a matter, but I just want to state here that I promised the members of that Committee that somebody in the State will know that they refused pay.

---

On motion by Mr. Varney of Berwick,

Recessed until 1 P. M.

1:00 P. M.

The House was called to order by the Speaker.

## REPORT OF A COMMITTEE OF CONFERENCE

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Amending the Unemployment Compensation Law relating to Employer Liability and Coverage" (S. P. 717) (L. D. 1222) and the New Draft of the same under the same title being S. P. 739, L. D. 1245 reporting that both Houses recede from their former actions and concur in the passage to be engrossed of a second new draft under the same title submitted herewith.

(Signed)

Messrs. Weatherbee of Lincoln  
Grua of Livermore Falls  
Churchill of Brewer  
Committee on part of  
House.

Miss Laughlin of Cumberland  
Messrs. Hill of Cumberland  
Chase of Washington  
Committee on part of  
Senate.

Mr. WEATHERBEE of Lincoln: Mr. Speaker, as I am a member of the Committee of Conference which has just returned this Report, and as this Report refers to the Bill in a new draft, I think I ought to take the time of the House for a very few moments to explain how this matter happens to be in a new draft, and just what it constitutes. You will remember in our first special session this Bill to amend the Unemployment Compensation Law was introduced and went into the Judiciary Committee, which reported a Majority Report "Ought to pass" and Minority Report "Ought to pass in new draft." The Minority Report was accepted by this House.

Now the difference between those reports was simply this: The present Unemployment Compensation law, as you will remember, we had a great deal of discussion of it in the House at that time, and the present law keeps as its basis of payment "wages payable" and not wages actually paid. But this new Bill, L. D. 1222, which was not accepted by this House, would change that basis to wages actually paid. Now this House voted to keep "wages payable" as the basis, and did so in the New Draft, L. D. 1245. There were also several other pro-



visions, worth while provisions, in 1222, which were kept in L. D. 1245.

Now this Committee of Conference has met and has agreed to accept L. D. 1245, which is the bill which was voted on and which failed of passage in this House. However, in the meantime, there has been another special session, and that special session has made still another change in the Unemployment Compensation Law, and that change requires another brief change in the act which this Legislature has before it. So the Committee of Conference, to avoid having a new draft, presented House Amendment "A," which was passed at the first special session, and which was to correct a technical error plus the amendment which was necessary to bring the Bill of the last special session in conformity with the conditions today. To save having these three documents, the new draft, House Amendment "A," and a further House Amendment, we decided to incorporate all three into a new draft, and so the Committee of Conference has unanimously voted that both branches recede and concur in the passage of this new draft, and this new draft is the new draft which the House voted back last June to accept, which keeps the basis of payment to applicants for unemployment compensation as "wages payable." That is the new draft as amended by House Amendment "A" and as amended by another amendment which brings it in conformity with that special piece of legislation which we put through as an emergency measure at the last special session, and I move that the House accept the report of the Committee of Conference.

Thereupon, the Report of the Committee of Conference was accepted and sent up for concurrence.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, now moves that S. P. 717, L. D. 1222, Bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The gentleman

from Lincoln, Mr. Weatherbee, now moves that S. P. 739, L. D. 1245, Bill, "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

Mr. VARNEY of Berwick: Mr. Speaker, on behalf of your Special Investigating Committee, I am about to offer a supplemental report. And now, not on behalf of that Committee, but on my personal behalf as a member of this House, I would like to call your special attention to one paragraph in this Report concerning the Redman hearing yesterday, and I do this largely because this Report represents the unanimous opinion of your Committee concerning the Redman hearing, and therefore a bi-partisan opinion.

I am prompted to make these remarks by the large and misleading headlines which appeared in the Portland Press Herald of this morning, and which read: "Barrows and Burkett Opposed Auburn Robbery Prosecutions."

I want to state that as an individual member of your Committee who heard all of the testimony that anyone has been able to produce concerning the Auburn robbery prosecution, that I do not believe there is one iota of testimony that Governor Barrows or Attorney General Burkett opposed in any way those prosecutions, and I want to say further that the next headline "Barrows Resignation in Favor of Sewall Proposed"—I want it publicly stated, as far as I am concerned, that I have yet to hear even a rumor to that effect arising from any member of this Legislature, and I could include the members hanging around the halls, so far as it has come to my ears.

As to the next statement: "Party Leaders Are Worried," I should like to make this comment, that, if they mean me, I can only say that if I am worried about anything it is that the people of the State of Maine will be misled in their understanding of the true facts by these misleading statements that the Portland Press Herald persists in publishing. (Applause).

The SPEAKER: The Clerk will read the Report of the Committee.

**SUPPLEMENTAL REPORT  
of the  
JOINT AND SPECIAL INVESTIGATING  
COMMITTEE OF  
THE 89th LEGISLATURE**

The Committee wishes to correct an error which occurred in its Partial Report filed with the Legislature on July 22, 1940. On page 44 of the typewritten report filed by the Committee, the seventh and eighth words in the seventh line, "without charge," should be stricken out and there should be substituted therefor the words, "at a substantial discount." The same correction should be made as to the first two words in the ninth line on page 29 of the printed report.

Pursuant to the Joint Order of the Legislature, your Committee subpoenaed Fulton J. Redman of Bar Harbor, Maine, to appear before your Committee at a public hearing at 1.00 P. M., Eastern Standard Time, on July 23, 1940. Mr. Redman appeared before your Committee and gave evidence under oath. Mr. Redman did not furnish the Committee with any facts which added to the sum total of its knowledge upon the various subjects which were fully covered by the Committee's filed report and supporting testimony.

The Committee reports that it took the testimony of former State Auditor Elbert D. Hayford, and had some testimony from Governor Barrows concerning the circumstances surrounding Mr. Hayford's resignation. The policy of reducing the appropriation of one of the vital departments of the State—to wit: the State Auditing Department—may have allowed the difficulties in the Controller's office to become possible. With the appropriation made to the State Auditing Department and the assistants possible under it, it was impossible to conduct the Auditing Department with complete efficiency.

(Signed) Nathaniel Tompkins, Chairman, Gail Laughlin, Frank A. Thatcher, Jean Charles Boucher, on the part of the Senate.

George D. Varney, Robert B. Dow, Robert C. McNamara, Malcolm P. Noyes, F. Ardine Richardson, William P. Donahue, Alexander A. MacNichol, on the part of the House.

Mr. PAUL of Portland: Mr. Speaker and ladies and gentlemen of the House: It had not been my intention to take any active part other than to cast my vote in the way that I deemed most appropriate and proper, until I came out from my room in the Augusta House this morning and went to the desk and bought the Portland Press Herald, a paper that is published in the city where I reside, and I am very proud of it. But, upon reading the headlines of that paper, I was so perturbed that I immediately took steps to find out what evidence there was, what part of this evidence that came in yesterday, from Mr. Redman, which would warrant any such headlines as appeared in the paper this morning, and I went to the different agencies in the State House and I have located a copy of the evidence that was taken on May 4th at the hearing that was referred to by Mr. Redman yesterday as being such an important meeting, and, referring to that evidence upon which he had based his conclusions, that the Governor and the Attorney General had refused or had not prosecuted where there was evidence to prosecute on, I would like the privilege of reading a few parts of this evidence that I have obtained.

This is an examination on May 4th before the Governor and his Council. The questions were propounded by the Attorney General, and the respondent under examination was Sergeant Maguire, a police officer from Portland, who was employed on this case and did work on this case with Captain Towle a few days after Captain Towle finished his work. These are the answers to some of the questions:

(By Mr. Burkett)

"Q. Do you have any feeling now that anything was done by any agency here in the State—and by that I mean the State Police or any of the county or city or other officials over in Lewiston and Auburn to protect anyone here in the State or anywhere else from being investigated?

A. The county police, the city police of Lewiston and Auburn, I will say everything was lovely. I love to work with them and want to work with them again. The only thing that hurt me over there was that the County Attorney was to come down and talk it over with me after he got through with high court, and from 2:30 to twenty minutes of seven at night, when we went

out for lunch, he hadn't shown up. That is why I didn't request a warrant for O'Donnell. If the County Attorney didn't want to prosecute, I wasn't foolish enough to get a warrant and have him throw it out the window, but as far as the police, I have always gotten along with the police, always willing to work with them and always will. When I can't work with any other police officer, I will quit, but I did not like the idea of a private detective that came in there one time half drunk trying to tell me my business.

Q. So you now say that you do not believe that the investigation was hampered in any way by any of the State agencies?

A. No, sir, absolutely no.

Q. You have no feeling that anybody in the State, other than what you have said about the County Attorney, has done anything to hamper the investigation to cover up anyone?

A. No, sir, absolutely not. I have no feeling whatever about anyone I have talked with. They will all tell you I have said that Mr. Robie wanted the thing to go right through no matter who was hurt. That was the orders that Mr. Robie gave me and everyone I worked with felt the same."

Later on in the same evidence the questions were propounded by Governor Barrows:

"GOVERNOR BARROWS: I understood you to say—you repeated it two or three times—it was your impression that so far as Mr. Robie was concerned he was very anxious to have this thing cleared up, no matter where it might hit?

A. Yes, sir.

GOVERNOR BARROWS: And do you have any reason to believe, so far as I was concerned, I did not feel exactly the same way?

A. No, sir. The only reason I didn't mention your name, you were not there at the time. Mr. Robie was there and I had understood Mr. Robie was in charge of the case. Everyone I questioned, Mr. Robie stood right side of me.

GOVERNOR BARROWS: Did you ever feel or see anything that indicated to you that I was not as anxious as Mr. Robie or anybody else to have this thing solved if possible, no matter where it went or who it hit?

A. I realize, Governor, that you want it solved, and would do most anything to solve it.

GOVERNOR BARROWS: Sergeant, may I ask you this: You know how anxious we are to get the solution of this thing and to punish to any extent that the law may go anybody who is responsible for this theft. Now we have spent a good deal of money trying to do it. I am perfectly willing, in addition to the substantial reward that we have already offered, to spend a great deal more money if we can solve this case. At any time that you have any tangible or definite information in any way would you be willing to transmit that to the Chief of the State Police?

A. Governor, you don't have to ask me that. I have talked with Sergeant Cole, Lieutenant Shepard and my Chief. Ralph Brooks and City Manager Barlow want the whole department at the disposal of Chief Healy, and everything I have got I will call up, and my Chief would even go so far as to send me down with the information."

Now, members of this body, this article in this morning's paper disturbed me. As a member of this body it is my duty and the duty of every one of us, if there is any iota of evidence to show or to prove in any way possible that the Governor and Attorney General have been negligent, it is our duty to have them removed. We know that. We are sent here, elected by the citizens, and I for one want to say right here and for all that if there was one bit of evidence upon which the Governor or the Attorney-General should be removed, I would be the first one to have them removed, but, in my opinion—and I have gone through the evidence—the report here by Mr. Redman yesterday to my mind amounts to nothing. There is nothing to indicate that our Chief Executive and our Attorney General have neglected to prosecute that case. They have not hampered it, and, to my satisfaction they have done absolutely nothing to harm it, and they have wanted to carry on with the prosecution.

And now I say what a pity it is for any paper in the State to publish such an article as appeared in this morning's paper, in the Portland Press Herald. I thank you. (Applause)

Mr. HINCKLEY of South Portland: Mr. Speaker, no one has asked me to say anything at this time or

at any other time on this question, but I can say truthfully, in spite of the fact that it was quite comfortable this morning outdoors, that when I came in here and bought a Portland Press Herald I began to boil, and I have continued to be hot under the collar ever since.

Since I read this article this morning I have talked with several members of this House, and I have tried to ascertain the reason for the article which I read. I am very glad that our Floor Leader has made an explanation and has told you some of the things which he believes in regard to that story.

I made it my business to find out if I could what was the source of the story, and I asked several individuals in this House, and, if I am not misinformed, if the facts are as stated to me, they are that the publisher of the Portland Press Herald called a reporter of that paper last night and told him to write a story, and the headlines convey the substance of that story, to the effect "Barrows Resignation in Favor of Sewall Proposed." And the article goes on to say: "Resignation of Gov. Lewis O. Barrows and automatic advancement to his place of State Senate President Sumner Sewall tonight was considered by legislative and Republican leaders as a possible solution to election year problems created by state governmental practices uncovered during recent months."

Our Floor Leader has told you that as one of the leaders of the Legislature he knows nothing whatever about that, and I believe that statement is correct. I think every other member would believe the other leaders of this House if they should get up and say they know nothing about it, because I do not believe they do. I do not think it is too harsh to say that that statement is an absolute falsehood. Perhaps that is a harsh word, but, when you believe it, I do not believe there is any harm in saying it. I do not believe the publisher of that paper believed for one instant he was asking this reporter to tell something that was the truth, and when the reporter wrote that article, it is my belief he knew he was not telling the truth, and if he did it, I think it should be said on the floor of this House. I may be mistaken, but I do not believe I am. Perhaps it is not very good political expediency to get up

and say these things, but I, for one, do not care for political expediency. We rely upon our papers for the news, and we have a right to expect that they are telling us the truth. But we members of this Legislature know, when they write an article like that, they are not telling the truth. I think it ought to be said, and it makes no difference to me whether it is Guy Gannett or anyone else — I do not care who says it — if he thinks he is telling the truth, all right, but if he does not think he is telling the truth, he ought not to put it in his paper.

I believe the members of this Legislature are trying to do their work properly and efficiently, and I do not believe that the newspapers of the State should dictate to the members of this Legislature what they shall do. It is all right for them to express opinions, it is all right for any citizen of the State to express an opinion and ask a member of the Legislature to do something which that citizen thinks ought to be done, but I do not think that this Legislature should be hampered by remarks such as appeared this morning in this paper.

I do not know the reason for it, but it seems to me the only purpose of this is to express some pique against one or two officials in this administration. Apparently there are people connected with this paper and certain members of this administration who do not get along very well, and to me it is very evident that this is one of the means of getting back at those individuals. Whether it is true, I do not know; I draw my inferences, and that is all. But when we see things like this come out in the newspapers, we have a right to expect truth, impartial opinions and judgments, and those are the very things that tend to make Bolsheviks in this country and in every other country. I am a firm believer in the freedom of the press, freedom of speech and religion and all those other freedoms which we possess, but it seems to me that in this case it might be well to have a law passed so that the press might be muzzled to some extent. It is not fair to us, it is not fair to the citizenry of this State to have articles like that go out and make the people believe certain things when the newspaper knows very well they are not the truth. That is what I do not like,

whether it is for political purposes or otherwise.

Now I have spoken at length, Mr. Speaker. I wanted someone else to say these things, and I tried my hardest this morning to get somebody else to say them, but I was boiling, and I am still boiling, and I had to explode. I wish a dozen other members of this House would explode likewise, because I think that is one way in which they can get it off their chest. But I think it is time for this Legislature to say that the Legislature and the Governor and the administrative heads are running the State of Maine and we do not have to have the help of the newspapers to do it. (Applause)

The SPEAKER: The question is on the acceptance of the Committee Report. The gentleman from Berwick, Mr. Varney, moves that the second Report of the Committee be accepted and placed on file. Is this the pleasure of the House?

The motion prevailed, the Report of the Committee was accepted and placed on file and sent up for concurrence.

Papers from the Senate, out of order and under suspension of the rules.

From the Senate: Resolve Authorizing the Sale of State's Interest in Certain Lands in Township No. 17. (S. P. 783).

Comes from the Senate, received today by unanimous consent and under suspension of the rules given its several readings and passed to be engrossed without reference to a Committee.

In the House:

The SPEAKER: Is there any objection to the reception of this Resolve in the House? The Chair hears none and the Resolve is received.

Thereupon, the Resolve was given its two several readings under suspension of the rules and passed to be engrossed in concurrence, without reference to a Committee.

From the Senate: Bill "An Act Relating to Oak Grove School" (S. P. 784)

Comes from the Senate, received today by unanimous consent, and under suspension of the rules read twice and passed to be engrossed without reference to a Committee.

In the House:

Mr. Cowan of Portland, was granted unanimous consent to address the House.

Mr. COWAN: Mr. Speaker and members of the House: There was yesterday a Bill similar to the one here presented before us, and it was passed in the other Branch, came in here, and we knew nothing about it, and we have very carefully been excluding new legislation that might tie us up—and I think it is very commendable that we have done so. This particular thing, however, happens to be a rather important educational matter, and so can be regarded as one of those things proper for us to consider, especially as it will not tie us up for any length of time and is merely to get around a technicality.

We have in our corporation laws a provision in regard to charitable organizations or schools, that they may not hold more than a hundred thousand dollars' worth of property. Now you will find on the desks of each and every member a brief statement in regard to this Oak Grove situation. It is proposed there that the school be deeded to a corporation, and there are certain alterations that need to be immediately made, and those can only be made, as I understand it, if this transfer is made. Now they can organize under the general law well enough, and they would not have to come in here, but there is more than a hundred thousand dollars' worth of property, so incorporation under the general law would be illegal, therefore they simply ask you to let this go through without reference to a Committee. There is nothing in it to cause any trouble or any expense to the State, but it is simply so they can accept title to this property and get the money and make these alterations that are called for in this statement.

The SPEAKER: Is there any objection to the reception of the Bill at this time? The Chair hears none, and the Bill is received.

Thereupon, under suspension of the rules, the Bill was given its two several readings without reference to a Committee.

The SPEAKER: Is it the pleasure of the House that the Bill lie upon the table and five hundred copies ordered printed?

The motion prevailed, and the Bill was tabled pending assignment

for third reading and five hundred copies ordered printed.

Mr. VARNEY of Berwick: Mr. Speaker, I move that one thousand copies of the Supplementary Report of the Special Investigating Committee, just filed, be printed in pamphlet form.

The motion prevailed, and one thousand copies were ordered printed in pamphlet form.

#### House at Ease

4 P. M.

The House was called to order by the Speaker.

#### Passed to Be Enacted

An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Four Thousand One Hundred Seventy-four (4,174) Acres of Land in Piscataquis County (S. P. 776).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Farwell of Unity, out of order and under suspension of the rules, presented the following Order and moved its passage:

WHEREAS, The House of Representatives and Senate of the 89th Legislature fully appreciate the sacrifice of time and the great amount of labor and thought already given by the members of the Joint Special Legislative Investigating Committee to its duties as evidenced by the two comprehensive reports already filed with the Legislature, and

WHEREAS the first preliminary report of said Committee indicates other investigations to be completed by it,

#### NOW THEREFORE

BE IT ORDERED, the Senate concurring, that said Committee is hereby instructed to continue the performance of the duties placed upon it by H. P. 2254 with the full power and authority contained in said H. P. 2254.

The Order received passage and was sent up for concurrence.

Mr. Payson of Portland, out of order and under suspension of the rules, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the following recommendations made by the Joint Special Legisla-

tive Investigating Committee, Created by Joint Order, H. P. 2254, be referred to the Committee on Administrative Code as follows, viz:

1. Relating to the reorganization of the highway department and to powers and duties of the Governor and Council in connection therewith.

2. Providing for an independent audit of the State's financial condition at the end of each fiscal year.

3. Relating to the office of Superintendent of Public Buildings.

4. Relating to the abolishing of the office of Supervisor of Motor Vehicles.

5. Creating a separate department of Motor Vehicles Registration.

6. Any other matters considered by said Joint Special Legislative Investigating Committee on which recommendations are made requiring legislative action and that said Code Committee is hereby directed to study such recommendations and to prepare such bills as may be necessary to carry them into effect; and to report such bills as expeditiously as possible to any further session of this Legislature or to the next regular session of the Legislature.

Mr. VARNEY of Berwick: Mr. Speaker, I would just like to call the attention of the members of the House to the fact that by this Order the Code Committee, so-called, has undertaken the task of reviewing the recommendations made by the Investigating Committee and prepared such legislation as is necessary to be prepared in order to carry out our recommendations.

Now, if you pass this order, which I hope and expect you will, this House will then have acted upon every recommendation made so far by the investigating Committee.

You will recall that this morning, by three Orders, which are on the table and which I propose to remove presently, we acted upon three of the recommendations made by the committee. You will also recall that two Bills have been introduced and are on their way through the Legislature at the present time, relative to two other recommendations. All of the other recommendations are covered specifically by this Order, so that we may feel assured that action is being taken on the recommendations contained in

the Investigating Committee's Report.

Thereupon, the Order received passage and was sent up for concurrence.

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

On motion by Mr. Varney of Berwick, the House voted to take from the table S. P. 779, Joint Order Relative to Preparing Copy of Testimony Accompanying the Report of the Committee Created by Joint Order, H. P. 2254 and Forwarding to Kennebec County Attorney, which was tabled by that gentleman earlier in today's session; and on further motion by the same gentleman the Order received passage in concurrence.

On motion by Mr. Varney of Berwick, the House voted to take from the table Joint Order, S. P. 778, Relative to Preparing Copy of Testimony Accompanying the Report of the Committee Created by Joint Order, H. P. 2254, and Forwarding to Major John W. Healy, Chief of the State Police, together with certain exhibits, which was tabled by that gentleman earlier in today's session; and on further motion by the same gentleman, a viva voce vote being taken, the Order received passage in concurrence.

On motion by Mr. Varney of Berwick, the House voted to take from the table S. P. 780, Joint Order Relative to Preparing Copy of Testimony Accompanying the Report of the Committee Created by Joint Order, H. P. 2254, and Forwarding to the Androscoggin County Attorney, together with photostatic copies of certain exhibits, which was tabled by that gentleman earlier in today's session; and on further motion by the same gentleman, a viva voce vote being taken, the Order received passage in concurrence.

On motion by Mr. LaFleur of Portland, the House voted to take from the table Bill "An Act Relating to Registration of Veterans' Graves" (S. P. 774) tabled by that gentleman earlier in today's session pending reference.

The SPEAKER: The question be-

fore the House is on the reference of the Bill to a Committee.

Mr. LaFLEUR: Mr. Speaker, I understood it was without reference to a Committee.

The SPEAKER: The motion has not yet been carried for suspension of the rules. The pending question, therefore, is on reference.

Mr. LaFLEUR: Mr. Speaker, what is the next procedure to take it out of Committee?

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the rules be suspended and that the Bill be given its three readings at this time without reference to a Committee.

Thereupon, the motion prevailed and the Bill received its three several readings under suspension of the rules.

The SPEAKER: The question before the House is on the passage of the Bill to be engrossed.

Mr. LaFLEUR: Mr. Speaker, before the members vote upon this measure, I think they are entitled to know some of the facts surrounding the particular Bill, and I as a legislator and while a member of this House, have been unwilling to take part in or present any Bill without the members knowing on what they are about to vote. It may well be that when I conclude my remarks you may not pass this Bill, although I hope you will pass it, but, in fairness to you, I must make an explanation.

This forenoon, when the Bill was placed upon the table, I made the statement to the House that it was my understanding that we had spent of Federal funds \$80,000, and of State funds \$5000. I also made the statement that the additional five thousand dollars was necessary in order to expend an additional appropriation from the Federal government of \$80,000, or \$160,000 for \$10,000 expenditure.

This Bill, or a similar Bill, was before the regular session in 1939, and I recollect very well that when it was presented to the Judiciary Committee that it was there stated that the Federal Government would appropriate \$80,000 if the State of Maine appropriated \$5000 for filing costs and so-called administration expense.

This afternoon we had before us the representative in charge of this project, and his statement disagrees with the statement I made this morning, and, although this Bill

might well go through without any remarks thereon, I believe you are entitled to the information that we secured from this report.

I now find that the Federal Government allocated to this proposition the sum not of \$80,000 but of \$71,000. I also find that they have not spent \$71,000; they have spent only \$25,000, and this State has spent \$5,000 therefor.

It was my understanding at the last regular session that the Federal Government would pay at the rate of sixteen to one. I now find it is at the rate of approximately five to one. Of the \$71,000 there is a remaining balance of \$46,000. Bearing in mind they have spent \$25,000, it has cost the State \$5,000, which I understood was to be matched against \$80,000. The remaining \$46,000 which is presently available for this project requires an additional appropriation of \$5,000 to complete the project, which I now understand is fifty per cent completed; so that if you vote for this particular Bill you will have spent \$10,000 for a Federal allocation of \$71,000.

I want the House to have that information, so that they may understand how much money this is costing the State. I believe the statements made in 1939 were based upon information which apparently, from calculations, were wrong, so that it is now costing you \$10,000 for the \$71,000 as against \$10,000 for \$160,000.

What is the project doing? It is my understanding from representatives of the Federal government that they have at the present time approximately eighty-eight employees, all of whom, with the exception of the supervisor of the project, are from the relief rolls of the State of Maine. They have twelve so-called teams working in the State at the present time, all taken from our relief rolls, of which forty per cent under the present law must be veterans of any war, and sixty per cent from the civilian population, so-called. Presently, of the eighty-eight there are forty-three veterans. The remaining individuals are men from civilian life, so-called.

To illustrate what the particular project is doing in the City of Portland: Before this project went through, they found 2100 veterans' graves. After the project went

through they found 4700, or over two to one.

If this money is not appropriated, it means just this: That these eighty-eight men will be discharged forthwith, and the unexpended Federal balance of \$46,000 will be returned to the government and the project will fail.

Is it a worth while endeavor? That is the question for you, ladies and gentlemen, to determine for yourselves. But I felt it was only fair to the members of the House to tell you that under the understanding I had a year ago this \$5,000 would be matched with the \$80,000, and apparently now it is \$10,000 as against \$71,000.

I would like to see this project continued, but that is a matter for you gentlemen and ladies of the House to determine whether you will spend that particular sum of money towards the finishing of this project. And with that explanation, so that you will understand that when any veteran in this body presents any Bill that affects the veterans that we will not attempt to slide anything through but will give you the facts as we find them today. I hope that it may go through with that explanation. The matter is in the hands of this body, and if there are any questions you would like to ask of me as to how the money was expended, I will answer them as best I may. Now that is the picture as I see it.

The SPEAKER: The question before the House is on the passage of the bill to be engrossed in concurrence.

Mr. DWINAL of Camden: Mr. Speaker, may I ask a question through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. DWINAL: The gentleman from Portland, Mr. LaFleur, has used as an example these graves that were found by the working parties. I would like to ask, after they find them, what do they do? Is this a project where markers are put up or simply record of the location? In other words, what is the purpose of this registration of graves.

The SPEAKER: The gentleman may answer if he chooses.

Mr. LAFLEUR: Mr. Speaker, my understanding of the object, and it can be certified by the supervisor, is this: That when these veterans' graves are determined as to loca-



tion they are located upon a plat of a particular cemetery, and that plat is given to the particular town and city, and a master file is in the Adjutant General's office at Augusta, and thereafter these particular plats are available in the towns and cities to the various Legion Posts, so that on Decoration Day they can decorate those veterans' graves. And in the future, for the future war veterans, if there are any in this House to be, I may state that there is a provision that if a veteran should die subsequent to this date there is a certificate added to the file in the Adjutant General's office and in the particular city or town.

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

The SPEAKER: The gentleman may ask his question.

Mr. SHESONG: Mr. Speaker, at the regular session I understood five thousand dollars would be sufficient to carry the project through until the next regular session. May I ask whether there has been an increase in the number of employees?

The SPEAKER: The gentleman may answer if he chooses.

Mr. LaFLEUR: My understanding is that as of September 6, 1939, there were seventy-six Federal employees. Since that time they have increased to eighty-eight, and it is proposed to increase that number to one hundred. But in this connection, ladies and gentlemen of the House, I may say that the five thousand dollars allocated by the State does not go into any salaries. The five thousand dollars spent up to this time is divided as follows, according to the figures given to me by the Supervisor: Officer equipment, \$800; maps, material, card indexes and general office equipment, \$800; drafting equipment \$200; and the \$3200 balance is the mileage of the car used on the projects. So that the greatest expense which the Federal government does not bear is the mileage expense at the rate of five, four and three on the mileage on the cars used on the project, and none of your five thousand dollars is used in connection with any salary.

Mr. SHESONG: Thank you. May I ask another question?

The SPEAKER: The gentleman may ask his question through the Chair.

Mr. SHESONG: Do I understand it is necessary to spend this five

thousand in order to continue this as a W. P. A. project?

Mr. LaFLEUR: My understanding of the project is this: Unless the State of Maine appropriates a sum of money, the project must cease immediately. If the State should appropriate \$1000, that \$1000 would be expended up to the time it is expended, and the balance of the fund returned to the Federal government. Now, in order to expend the \$46,000 remaining I am advised by the Supervisor that it will take \$5000, for the reason that the project is now in the northern counties of the State and the mileage of the cars will eat up the greater part of the five thousand dollars.

Mr. SHESONG: Mr. Speaker, do I understand that the people employed on these projects are local people where the cemeteries are located?

Mr. LaFLEUR: It is my understanding that the people employed on this project are relief cases, with the exception of two, certified from the relief rolls of the towns and cities, and their work is on the particular cemeteries in their vicinity or in surrounding territory, so that a team in Rumford would handle Rumford and surrounding towns, and then when we go into another county, an additional group of men on relief in that town or vicinity is certified to the Supervisor and they are placed upon the project.

Mr. SHESONG: As projects are continued, is it the purpose of the project to reduce the number of employees as these employees might be employed in other types of work?

Mr. LaFLEUR: I cannot answer that question for this reason: If the project is abandoned at the present time, the employees upon this project necessarily will have to be absorbed in some other alphabetical agency, which, at the present time, is very problematical, and, in addition thereto, if the project is abandoned, these employees will be set upon defense work and it will be difficult to get another allocation.

Mr. SHESONG: If there is defense work available, will these men be withdrawn from that type of work and be placed upon defense work?

Mr. LaFLEUR: They will not.

Mr. SHESONG: So that the number of employees will be as is or perhaps increased?

Mr. LaFLEUR: Increased to one hundred.

Mr. SHESONG: How long is it contemplated this project will continue?

Mr. LaFLEUR: The project, as I understand, is fifty per cent completed. You realize at the present time they will have to curtail the work in the northern counties, but it is hoped that it will be completed in the next fiscal year, 1940-1941.

The SPEAKER: Is the House ready for the question?

Mr. HINMAN of Skowhegan: Mr. Speaker, before you put this question I think perhaps I should state that in the appearances of those interested in the Legion during the regular session of this Legislature before the Committee on Appropriations and Financial Affairs, it was given as their judgment — I do not know whether they did or did not make the definite statement—but certainly they were sincere in the belief at that time that we would get eighty thousand dollars for five thousand. Be that as it may, the project either has merit or it has not merit, and if it has merit, which would be assumed by the fact that we have already put five thousand dollars into it, and even though we are not getting the proportionately large allotment from the Federal Government that we originally anticipated, it must still have merit, and I hope that we may pass the Bill to be engrossed and carry it to completion.

The SPEAKER: The question is on the passage to be engrossed of Bill "An Act Relating to Registration of Veterans' Graves" (S. P. 774). All those in favor of the passage of the Bill to be engrossed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the Bill was passed to be engrossed in concurrence.

---

**Passed to be Enacted**  
**(Out of Order)**

An Act Providing for the Expiration of All Orders of the Governor's Council at the End of Its Term (S. P. 777) (L. D. 1280)

Sent up for concurrence.

---

**Resolve on Its Final Passage**  
**(Out of Order)**

Resolve Proposing an Amendment to the Constitution, Repealing the Constitutional Provisions Relating

to the Office of Treasurer of State (S. P. 770) (L. D. 1254)

Mr. PAYSON of Portland: Mr. Speaker, in order that I may present an amendment to this Resolve, I move that the House reconsider its action of today, whereby this Resolve was passed to be engrossed.

Thereupon, the motion prevailed, and the House reconsidered its action taken earlier in today's session whereby the Resolve was passed to be engrossed.

Mr. Payson then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 770, L. D. 1254, "Resolve, Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State."

Amend said resolve by inserting after the 4th paragraph thereof the following:

'This and the three preceding paragraphs shall take effect as part of the constitution on January 1, 1941.'

Mr. PAYSON: Mr. Speaker, I move that the rules be suspended to permit consideration of the amendment without reproduction.

The motion prevailed.

Mr. PAYSON: Mr. Speaker, I wish to say that the change which is made here is no change at all in the constitutional provision; it is purely a legal and technical proposition and leaves the Resolve exactly as it was intended to be before. It simply makes the act effective as of January 1, 1941, as the Resolve appears before you now, but for technical and legal reasons it was necessary to make this change.

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

Thereupon, House Amendment "A" was adopted and the Resolve as amended was passed to be engrossed in non-concurrence and sent up for concurrence.

Mr. COWAN of Portland: Mr. Speaker, a point has been raised in regard to the amendment which has just been adopted. Did I understand it is to be effective January 1st?

The SPEAKER: The Clerk will read the pertinent part of House Amendment "A."

(House Amendment "A" read by the Clerk)

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

The SPEAKER: The gentleman may ask his question.

Mr. COWAN: Mr. Speaker, the question is whether the gentleman from Portland, Mr. Payson, took into consideration the fact that the new administration will not come in until January 5th. Whether or not it might be wise to have it January 5th instead of January 1st. There would be an interim when we would have no State Treasurer.

The SPEAKER: The gentleman may answer if he desires.

Mr. PAYSON: Mr. Speaker, I cannot see any practical difficulty in the proposition as it is set up now. I recognize the situation which has been referred to but as a practical proposition I cannot see where there would be any practical difficulty with it now as it is set up.

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

The SPEAKER: The gentleman may ask his question.

Mr. LaFLEUR: Mr. Speaker, I would like to inquire if the proposed amendment, this constitutional amendment, is passed by this House, who in fact will appoint the new Treasurer, the present Governor or the new Governor?

The SPEAKER: The gentleman may answer if he wishes.

Mr. PAYSON: Mr. Speaker, may I say that if the incoming Governor does not take office until January 5th, the present Governor would make the appointment.

Mr. LaFLEUR: Mr. Speaker, may I ask this question: Would it not be better for the new Governor to make the appointment for the new administration?

Mr. PAYSON: Mr. Speaker, I had assumed for all practical purposes that is the way it would be made.

Mr. LaFLEUR: Mr. Speaker, may I ask the gentleman (Mr. Payson) if he has any basis for that assumption?

Mr. PAYSON: Mr. Speaker, if the gentleman means have I inquired of the Governor, I have not.

Mr. LaFLEUR: Mr. Speaker, may I inquire if there is any reason why it cannot be made January 5th?

Mr. PAYSON: Mr. Speaker, the appointment under this Bill would be made by the Commissioner of Fi-

nance in any case and not by the Governor.

Mr. MARSHALL of Auburn: Mr. Speaker, may I inquire of the gentleman from Portland, Mr. Payson, whether or not the matter under consideration at this moment applies to any appointment by any officer?

Mr. PAYSON: The Resolve before the Legislature at this moment is purely a constitutional amendment and has nothing to do with the Treasurer of State. It simply repeals the former method of electing the State Treasurer.

Mr. LaFLEUR: Mr. Speaker, may I ask another question of the gentleman from Portland, Mr. Payson?

The SPEAKER: The gentleman may ask his question.

Mr. LaFLEUR: The present incumbent will hold office until January 5th under the present law, is that correct?

Mr. PAYSON: I would assume he would not. I would assume that if the legislation which is now pending in the Senate and which probably will be considered by these bodies after the election in September to determine whether the people would like this resolution or not, will then provide for appointment by the Commissioner of Finance. I assume on January 1st, 1941, the Commissioner of Finance would make the necessary appointment.

Mr. LaFLEUR: May I ask one more question. Have you any objection to changing the date January 1st, 1941, to January 5th, 1941?

Mr. PAYSON: I will have to admit that I do not know whether there is anything in the mechanical arrangement that would cause a hiatus or not. I would have to examine the law.

The SPEAKER: The House may be at ease.

### House at Ease

Called to order by the Speaker.

Mr. PAYSON: Mr. Speaker, may I suggest to the gentleman from Portland, Mr. LaFleur, that I have consulted the calendar and find that the Governor does not take office on the 5th but on the 2nd. The first Wednesday in January is the first day of the year, January 1st.

Mr. LaFLEUR: Have you any objection to changing it to January 2nd?

Mr. PAYSON: The term of office

of the present Treasurer will expire the 1st, and the appointment, I assume, can be arranged among reasonable men.

Mr. LaFLEUR: May I inquire the proper procedure to change it from the 1st to the 2nd?

The SPEAKER: If the gentleman desires to introduce a second amendment, he would have to move for the reconsideration of the action whereby the Resolve was passed to be engrossed.

Mr. LaFLEUR: Mr. Speaker, I will so move.

The SPEAKER: The Chair would call to the gentleman's attention that the term expires on January 1, 1941.

Mr. LaFLEUR: At what time?

The SPEAKER: The Chair is of the opinion that if such an amendment were adopted a Legislative election would be necessary for the period of one day.

Mr. LaFLEUR: Mr. Speaker, I move that the Resolve be tabled.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the Resolve be laid on the table pending that gentleman's motion that the House reconsider its action whereby the Resolve was passed to be engrossed. Is this the pleasure of the House?

Thereupon, the motion prevailed and the Resolve was tabled pending the motion by the same gentleman that the House reconsider its action whereby the Resolve was passed to be engrossed.

The SPEAKER: The Chair will announce that the Unemployment Compensation Bill, which is of great importance, is expected from the printer within the next hour or two.

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, it appears that there are several matters still pending and it probably will not be possible to recess before tomorrow. It is important, however, that certain matters be gotten to the stage of sending them down to the Engrossing Department and, for that reason, it seems important that

we hold a session this evening. I therefore move, Mr. Speaker, that we now recess until seven o'clock, Standard Time.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House now recess until 7 o'clock, Eastern Standard Time, 8 o'clock Daylight Saving Time. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

#### Evening Session—7 P. M.

Called to order by the Speaker.

#### Passed to Be Engrossed (Out of Order)

Bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage" (H. P. 2277) (L. D. 1261)

The Bill was given its three several readings under suspension of the rules, passed to be engrossed and sent forthwith to the Senate.

The SPEAKER: The Chair places before the House S. P. 784, L. D. 1262, "An Act Relating to Oak Grove School," tabled earlier today pending assignment for third reading. The Chair recognizes the gentleman from Portland, Mr. Cowan.

Thereupon, the rules were suspended in order to permit that gentleman to offer House Amendment "A" without reproduction.

Mr. Cowan then offered House Amendment "A" and moved its adoption.

House Amendment A to S. P. 784, entitled, "An Act Relating to Oak Grove School."

Amend said bill by striking out in the 10th line thereof the word "trustees," and inserting in place thereof the word "corporation," and by striking out in line 10 the word "are" and inserting in place thereof the words "is hereby."

House Amendment "A" was then adopted, and under suspension of the rules the Bill as amended was given its third reading and passed to be engrossed in non-concurrence and sent forthwith to the Senate.

On motion by Mr. LaFleur of Portland, the House voted to take from the table Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State (S. P. 770) (L. D. 1254) ta-

bled by that gentleman earlier in today's session pending motion by the same gentleman that the House reconsider its action whereby the Resolve was passed to be engrossed.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. LaFleur, that the House reconsider its action whereby the Resolve was passed to be engrossed.

Mr. LaFLEUR: Mr. Speaker, I now move to withdraw my motion for reconsideration.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, asks permission to withdraw his motion that the House reconsider its action whereby the Resolve was passed to be engrossed. All those in favor of granting the request of the gentleman from Portland, Mr. LaFleur, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the Resolve was sent to the Senate forthwith.

The SPEAKER: Pending the arrival of other papers from the Senate, the House may be at ease.

#### House at Ease

#### 7.30 P. M.

Called to order by the Speaker.

On motion by Mr. Varney of Berwick, the House then recessed for thirty minutes.

#### After Recess—8 P. M.

Called to order by the Speaker.

On motion by Mr. McGlaflin of Portland,

Adjourned until 9 o'clock tomorrow morning.