

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

HOUSE

Thursday, July 25, 1940.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Finally Passed

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

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

House At Ease

(Pending arrival of papers from the Senate)

Called to order by the Speaker.

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

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

Senate Amendment "A" read by the Clerk.

Thereupon, the rules were suspended to permit consideration of Senate Amendment "A" without reproduction.

The House then reconsidered its action whereby the Bill was passed to be engrossed.

Senate Amendment "A" was adopted in concurrence.

A viva voce vote was taken, and the Bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

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

An Act Relating to Registration of Veterans' Graves (S. P. 774)

Mr. LaFLEUR of Portland: Mr. Speaker, may I inquire if this is an emergency measure?

The SPEAKER: There is no emergency enacting clause on the Bill.

Thereupon, a viva voce vote being taken, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Reports of Committees

(Out of order and under suspension of the rules)

Mr. VARNEY from the Joint Special Legislative Investigating Committee, Created by Joint Order, H. P. 2254, on Bill "An Act Giving the Duties of the Treasurer of State to the Commissioner of Finance" (H. P. 2271) reported that the Committee recommend that same be referred to the Committee on Administrative Code.

Same gentleman from same Committee reported same on Bill "An Act relating to the Duties of the Treasurer of State" (H. P. 2265) (L. D. 1235)

Same gentleman from same Committee reported same on Resolve Proposing an Amendment to the Constitution Abolishing the Office of Treasurer of State (H. P. 2272)

Thereupon, the Reports were accepted and the two Bills and the Resolve were referred to the Committee on Administrative Code, recommended.

Mr. DONAHUE of Biddeford: Mr. Speaker, I request unanimous consent of the House to address the House before introducing a Resolve proposing an amendment to the Constitution to abolish the Governor's Council.

The SPEAKER: The Chair hears no objection and the gentleman may proceed.

Mr. DONAHUE: Mr. Speaker and members of the House: If any of you have had the patience to read the Report of the Investigating Committee, I believe that you will agree with me that part of the inefficiency which exists in our present State government can be laid at the door of the Governor's Council. If you have read that part of the Report relative to the activities of the Governor and Council, insofar as our investigation relates to the State Highway Department, you will readily see the efficiency in that department has been impaired by that interference. If you have not, I shall read at this time from our Report:

"The participation of the Governor and Council in Highway Purchasing seems to serve no very useful purpose, and, on the other hand, even without their actual interference, has apparently led the Commission into purchasing, at least to some degree, with an idea of satisfying what the Commission

believes might be the wishes of the Governor and Council. This has apparently resulted in ignoring in many instances the recommendations of division heads whose knowledge is undoubtedly better than that of any of the Commissioners or the Governor and Council as to the performance records of equipment."

If you will go further in the same Report of the same Committee, you will find instances where, without recommendation, either of the Secretary of State or the Personnel Board, certain members of the Governor's Council added names to a Council Order send up to them, and in one instance a certain young lady engaged in the Secretary of State's Office got three raises in one year, while another young lady who had rendered twenty years of service to the State of Maine in that time received only one raise.

If you will go back with me to the time when Governor Barrows first delivered his address to the people of Maine as to how he was misled by former Auditor, Mr. Hayford, you will recall that in his first address that he read to the people of Maine a letter which he said was signed by Mr. Hayford, and he said that it was deceiving.

For your information, permit me at this time to read from the record of this Special Committee. In answer to a question asked by Chairman Tompkins, Mr. Hayford answered as follows:

"Chairman TOMPKINS: Pardon me, but will you explain what you mean by a test check?

"A. A test check means to take certain items at random here and there. It does not mean a complete check, nor does it mean a complete analysis of the account. And I notice in the combing these fellows gave our books, ten or twelve auditors, fourteen part of the time, for about eighty or ninety days, they do not claim that theirs is any more than a test check, and they say so repeatedly; and Mr. Wilkinson, the other night, before the two branches in Convention, when I was present, said it was a balance sheet check or a test check.

"The Governor objected to the word 'test' and said, 'It looks as though you were not doing your job,' and struck it out with his pencil. I said that was all it was. He ran his pencil through 'major

items of revenue are also checked by our Auditors,' because, that, right on the face of it, showed we didn't check it all.

"I consulted with Mr. Douglas and I said, 'I want to go as far as I can with the Governor, but I want to sign a correct and honest report, and I do not want to sign anything that is not right.' Of course Mr. Douglas prepared the figures and did most of the work. I have other things down there to do besides looking over the books, although I kept in touch with it all the time. I said, 'Do you think I can sign that properly, Mr. Douglas?' He said, 'Yes.' He says now that he objected."

You may wonder why I refer to that testimony. The reason that I refer to that testimony is because it is fair to presume that at the time that Governor Barrows requested the resignation of Mr. Hayford, who was an officer elected by this Legislature, that the Council knew that Governor Barrows had changed that letter. The original letter of Mr. Hayford to Governor Barrows did not contain the same language that was used by Governor Barrows in his first radio report to the people of the State of Maine. Governor Barrows practically wrote that letter. You know and I know that within the fourteen days that were allocated to Mr. Hayford, that he could not do other than conduct a test check of your State finances. Therefore, I say that there is no reason for the continuance of the Governor's Council. It has been nothing but a soft spot, so that some members of either branch could get some remuneration for doing no service of any use to the State of Maine.

Mr. VARNEY of Berwick: Mr. Speaker, I ask for 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, just a few moments ago when the Democratic Floor Leader, Mr. Donahue, asked for unanimous consent to address the House, I understood him to say that he did so in order that he might explain his reason for asking for the unanimous consent of this body to introduce at this time a Resolve proposing an amendment

to the Constitution abolishing the Governor's Council, and I thought that when that consent was granted to him that he would confine his remarks to the reason why we should permit such a Resolve to be introduced now by unanimous consent.

I do not propose to make any political speech and I do not propose to say anything in defense of any of the actions of the Governor or his Council at this time. I intend to confine my remarks to the question of whether or not this House should now grant unanimous consent for the introduction of such a Resolve, and in trying to point out to you that probably it is not necessary that we grant any such consent, may I say that your Special Committee, of which my friend Mr. Donahue is a member, and on which there are two other members of the minority party, after having conducted its investigation, reported to you the facts which Mr. Donahue has just read, and if that Committee or any member of it, from their investigation, have decided that such a Resolve should be introduced into this Special Session, that Committee, by the order which created it, had the authority to introduce such a Resolve without the unanimous consent of this Legislature.

Now it appears to me that one thing we ought to do as a Legislature in connection with the investigations which we have been making is to give all matters careful consideration, and I think that the House agrees with me that your Committee has been attempting to do that, and because of the fact that your Committee has reported to you fully concerning some things which we have said the Council have been doing that they should not do, and your Committee has introduced or caused to be introduced here bills which we thought at least would correct such mistakes as we have found the Council have made, does not necessarily mean that your Committee thinks that the Council is of no use to the State of Maine, for nowhere in our report will you find any such statement as that. I certainly think that there is no reason why we should grant unanimous consent at this time to introduce any such a Resolve.

Mr. DONAHUE: Mr. Speaker, I have not attempted to convey to this Legislature, and if I have I apologize to the Legislature, that I was in any way speaking other than as

a member of this Legislature. I did not in any way attempt to speak as a member of the Investigating Committee.

I believe that the people of Maine have a right to vote upon the question at the next election as to whether or not they should abolish the Governor's Council. I do not believe, and I do not think this Legislature wants to deprive the people of that right, and therefore, as a member of the Legislature, and not as a member of the Investigating Committee, I ask unanimous consent to introduce a Resolve proposing an amendment to the Constitution abolishing the Governor's Council.

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

CLERK: Resolve Proposing an Amendment to the Constitution Abolishing the Governor's Council.

Mr. MILLS of Farmington: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. MILLS: To ask a question of the gentleman from Biddeford (Mr. Donahue).

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, has requested unanimous consent to introduce a Resolve at this time.

The question is on unanimous consent.

Mr. MILLS: Then, Mr. Speaker, out of order and under suspension of the rules, I ask unanimous consent to ask a question of the gentleman.

The SPEAKER: The question is on unanimous consent.

Mr. LaFLEUR of Portland: Mr. Speaker, I object to unanimous consent being granted.

The SPEAKER: The Chair hears objection.

Does the gentleman from Farmington (Mr. Mills) desire to be recognized at this time?

Mr. MILLS: Yes, Mr. Speaker, although it is only academic now.

I think the gentleman from Biddeford, Mr. Donahue, the Democratic Floor Leader, has put a very pertinent question before us, but I would like to ask him, as a member of the Investigating Committee, why he did not bring in a Minority Report incorporating this suggestion. That was very much his duty in that capacity, and, rather than bringing it in at this moment, it looks to me as if it should have come in before.

Mr. DONAHUE: Mr. Speaker—
The SPEAKER: The gentleman from Biddeford, Mr. Donahue, asks unanimous consent to address the House.

Mr. DONAHUE: Mr. Speaker, in answer to the question, may I say if you will scan through the report you will note that there are approximately sixty pages of printed matter, and I do not believe that this Legislature thinks that all of the members of the Committee incorporated all of their ideas into that report. As I understood, it was the purpose of the Committee to bring before this Legislature the facts as they found them. That report could not include the testimony. For that reason I did not file a Minority Report, and I desire to say at this time that every member of that Committee acted very fairly upon the evidence. That is why at this time, whether this is the last day of the session or the session may adjourn a week from now, I, as a member of this House, and not as a member of the Investigating Committee, introduced or attempted to introduce this Resolve.

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 state be instructed to investigate as to the feasibility of the installment of a photostatic motor vehicle registration and license machine and index in the registration bureau. If after investigation it appears to him that it will accomplish the work as represented to the investigating committee, he is thereby authorized to install the same (S. P. 785)

Comes from the Senate read and passed.

In the House, on motion by Mr. Williams of Bethel, tabled pending passage in concurrence.

From the Senate:

Bill "An Act Amending the Law Relating to Deposits of State Funds" (S. P. 781) (L. D. 1259)

Comes from the Senate, received by unanimous consent, given its several readings under suspension of the rules and passed to be en-

grossed without reference to a Committee.

In the House, received by unanimous consent, given its three several readings under suspension of the rules and passed to be engrossed, without reference to a Committee, in concurrence.

From the Senate:

Report of the Committee on Military Affairs on Bill "An Act Providing for an Air Unit in the National Guard" (S. P. 731) (L. D. 1231) reporting "Ought not to pass" as the subject matter is covered by other legislation.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate:

Report on the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act Relating to the State Museum" (S. P. 737) (L. D. 1233)

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

In the House, Report read and accepted in concurrence, and the Bill had its two several readings; under suspension of the rules the Bill was given its third reading, and tabled pending passage to be engrossed.

From the Senate: Report of the Committee on Military Affairs on Bill "An Act Providing for Improvement in Military Preparedness" (S. P. 730) (L. D. 1230) reporting the same in two new drafts under the following titles:

"An Act Providing for Improvement in Military Preparedness" (S. P. 750) (L. D. 1244)

"An Act Authorizing the Issue of Bonds to Defray Military Expenses" (S. P. 749) (L. D. 1243) and that they "Ought to pass" on which the House accepted the Report on June 7th in so far as it applied to new draft (S. P. 750)

Comes from the Senate with the Report read and accepted and the new draft (S. P. 749) (L. D. 1243) withdrawn.

Report was read and accepted in concurrence in so far as it applies to new draft (S. P. 749) (L. D. 1243) and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. SLEEPER of Rockland: Mr. Speaker, I would like at this time to make a public apology to the House.

The SPEAKER: Does the gentleman rise to a point of personal privilege or to ask unanimous consent to address the House?

Mr. SLEEPER: To ask unanimous consent to address the House, Mr. Speaker.

The SPEAKER: Is there objection? The Chair hears none and the gentleman may proceed.

Mr. SLEEPER: Mr. Speaker, I wish to apologize to the House first for subjecting them to that verbal gaseous blitzkrieg which they were subjected to last Tuesday afternoon at the hearing before the Investigating Committee and, through the record, since I doubt if any of the papers will print it, I wish to apologize to the citizens of Maine for subjecting the taxpayers to contributing to the campaign funds of a candidate of another party for the impromptu rally he put on Tuesday afternoon. I wish to apologize to the House for my idea in asking "Mr. Fulton"—I think that is his name—to come here and give such knowledge as he possessed, which was one of my own personal desires.

I had considered myself, and still do, as a sort of independent, and I still take pleasure in reading the columns in all of the newspapers. There is one particular column in one particular paper, the name of which I dare not mention, that I did not like. I did not like the tone of it; I did not like the tone of the author, and personally I felt that a lot of the things that he was saying was just so much dribble.

Perhaps I should not have done it. I feel I have cost the State at least four thousand dollars and prolonged the session an extra day in order for this impromptu rally to be put on. I felt that the things said in that column had no basis of fact and now I know it.

I did feel, when I called upon the House to support me in that Order, although I was quite confident there was nothing behind this column—I did not think the author of that column would have the consummated gall and nerve to come here and prove that he did not know anything. After the chandeliers stopped quivering and the gas has settled down on the floor of the House and everything that had been said had been weigh-

ed clearly in the minds of the clear thinkers, not one single shred of evidence had been added to what they already knew, and, I greatly fear, that what evidence he did present he gleaned from the report of the Investigating Committee. This gentleman "Mr. Fulton," I believe he said he did not consult this Report, but if he did not, he must have had pretty good knowledge of what was going into that Report.

So I wish to apologize to the House for subjecting them to that afternoon of delay, and I wish to apologize to the taxpayers of the State for taking part of their taxes for the campaign fund of any particular party. I am not going to take part in the condemnation of any newspapers, because the newspapers print whatever the people want to read. When I read a newspaper, what I want to believe, I believe, and what I don't want to believe, I don't believe.

I remember when I attended college quite a while ago I studied debating and forensic debating, and one of the professors there, I remember he got up and said, "Students, I want you to bear one thing in mind: Whenever you take part in a debate and wish to quote authorities, do not quote a newspaper, because the bulk of them (I am not saying which one or any particular one) but the bulk of the newspapers deal altogether in fiction and not at all in fact." And that is true.

But I am too loyal to Pop Eye and Orphan Annie to stop taking the paper under discussion. (Laughter) I still buy it, and I do not think my two or three cents' worth of boycott would do any damage, and I still think, no matter what the paper prints, what "Mr. Fulton" says, whoever wants to believe it would believe it and whoever doesn't want to believe it, would not. I was, however, amazed—not amazed, but amused—by the applause that said speaker got during the discussion. It sounded rather artificial to me, and I wondered if perhaps it was like what we heard over the radio at a certain convention in Chicago. It sounded artificial and I was just wondering what the cool impression was which was given to the members of the House and the State at large at this hearing. I really do not think that to the thinking person very

much damage was done. In closing, let me apologize again to the House for prolonging the session that day, and again let me apologize to the taxpayers for contributing to the campaign fund of any particular party. Thank you.

Mr. MacNICHOL of Eastport: Mr. Speaker, might I ask a question through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. MacNICHOL: Mr. Speaker, I would like to know if in the Statutes there is a law, or in the Statute is there any requirement of the mental maturity of the people elected to the House of Representatives?

The SPEAKER: The Chair rules this is not a parliamentary inquiry.

Mr. SLEEPER of Rockland: Mr. Speaker, I would like to answer that question. Apparently the only thing the Constitution requires is that a person be over twenty-one years of age and a citizen of the State. I am positive that is so.

On motion of Mr. Varney of Berwick,

Recessed until 1:30 P. M. Eastern Standard Time.

After Recess 1:45 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House Legislative Document 1233, Bill "An Act Relating to the State Museum," tabled this morning pending passage to be engrossed; and the Chair recognizes the gentleman from Standish, Mr. Hanold.

Mr. HANOLD: Mr. Speaker and members of the House: It became apparent this morning that on June 7th we passed a Bill taking from the control of the Department of Education the Museum and the State Library. This Bill apparently puts the library back into the control of the Department of Education, and to correct that situation, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Standish, Mr. Hanold, offers House Amendment "A" and moves its adoption.

House Amendment "A" to S. P. 737, L. D. 1233, Bill "An Act Relating to the State Museum"

Amend said Bill by indicating the deletion of the following phrase:

"4. To supervise the Maine state library;"

The CLERK: This amendment bears the endorsement of the Committee on Rules and Business of the House, recommending consideration without printing or reproduction.

Thereupon, House Amendment "A" was adopted, and the Bill as amended was passed to be engrossed in non-concurrence and sent to the Senate forthwith.

On motion by Mr. Williams of Bethel, the House voted to take from the table Joint Order Relating to the Feasibility of installment of a Photostatic Motor Vehicle Registration and License Machine and Index in the Registration Bureau, S. P. 785, tabled by that gentleman earlier in today's session, pending passage in concurrence.

Mr. WILLIAMS: Mr. Speaker, my purpose this morning in tabling this Order was simply to find out in the first place what it really was, and I think have I found out that, but I am not yet fully informed in regard to it.

The Order, as I understand it, authorized the Secretary of State to investigate the feasibility of the installation of this machine in the Secretary of State's office, and, if he finds that it will accomplish the work as represented by the Investigating Committee, he is to be authorized under this Order to install it.

I have looked over the Investigating Committee's Report and do not find in it anything very definite as to just what will be accomplished by it, and, before the Order is passed, I feel we should have further information from the Investigating Committee as to what this machine really does and what savings and advantage it will be to the State of Maine. I do not wish to either support it or oppose it at this time, but I would like some further information relative to it, and I feel sure that there are other members of the House as well who would like to know something about it before we give a blanket authorization to the Secretary of State's office to install this machinery, and we should know that it will do what has been represented to this Committee that it will do. Perhaps some member of the Committee can answer that question.

Mr. NOYES of Franklin: Mr. Speaker, I understand the gentleman from Bethel (Mr. Williams) wishes to know what the Investigating Committee knows concerning the machines that it is proposed to install or have the Secretary of State investigate these machines in regard to the advisability of installing them.

As a member of the Committee I will state that the information that we had was entirely off the record, and I will state as briefly as I can my understanding of what this machine would do in the Secretary of State's Department.

First of all, the primary consideration is cost, which I understand to be ten thousand dollars the first year and eight thousand dollars for each succeeding year. That machine, if it proves successful, the State of Maine could buy. I also understand that this cost of ten thousand dollars includes the cost of paper for the machine and its upkeep by the company which sells it. I understand that three girls could operate this machine. They would photograph the applications for licenses, and that is done at the rate of from eight hundred to one thousand per hour.

One advantage that we could get from a machine of that kind, if it works as it is supposed to work, an application comes from the applicant directly to the department and it is photographed, and when your license comes to you, you get a photostatic copy of your application, and if there is an error, it is your error. It is a picture of just exactly what you put on that application.

Now as to the saving: It is figured that some twenty or twenty-five girls could be discharged from the Department. In one state, the State of Illinois, which has a somewhat similar set-up—and if I am wrong, some member of the Committee will correct me—it was said that twenty-three girls did the work in the State of Illinois, which is, of course, much larger than the State of Maine. So that if this machine works as the Committee has been told that it will work, it would save the State of Maine fifteen or twenty thousand dollars a year and give better service to the people of the State.

I do not know of anything further I can say, but if there are any questions I would be glad to answer

them. I might say at this time, as I understand it, that if this Order fails of passage, the Secretary of State would be in a position where he could say to the Investigating Committee or the next Legislature, "There was an Order before this Legislature and it failed of passage, so what could I do?" He would not necessarily have to do anything.

Mr. MacNICHOL of Eastport: Mr. Speaker, I might add one or two words in regard to the discussion on this machine. At the present time, in the Secretary of State's Office, there are between 175,000 and 200,000 file cards that are not in the files or made up. That is due to the girls having to take the information that comes in to them on a license, the original application, transfer it to a file card and then file it away. Now here it is the 25th day of July, and at the present time between 175,000 and 200,000 cards are not filed. What, obviously, is the good of our files, as far as the State Police records or any other records are concerned, if those applications are not properly filed after a reasonable length of time?

This machine will make a file copy of this application, with all the data from the application which is now transferred by the girls to these cards. Then it will make a photostatic copy of that application in miniature for the files. Therefore, there are no details of filing except putting the cards in the proper places in the cabinets, and it would do away with a great many file clerks that are needed to transfer this information to the file cards.

Mr. WINSLOW of Auburn: Mr. Speaker, could I ask a question of some member of that Committee?

The SPEAKER: The gentleman may ask his question.

Mr. WINSLOW: Mr. Speaker, as I understand it, this machine will make up the license from the application. How will that affect the branch offices that we have throughout the State? Would they have a machine in each branch office, or would all applications for licenses have to be sent to the main office in Augusta?

Mr. NOYES: Mr. Speaker, I asked that same question at the time it was talked about in Committee, and I understand that at the branch offices, at the time you make your application for license, you will get a temporary license, as you do at

the present time, and the machine would be installed here at the State House. Does that answer your question?

Mr. WINSLOW: I think it does, Mr. Speaker.

The SPEAKER: The question is on the passage of the Order in concurrence.

Mr. GRUA of Livermore Falls: Mr. Speaker, I am not at all satisfied that this is proper legislation for this special session of the Legislature. This is a matter calling for the expenditure of money. We are authorizing the Secretary to buy or hire this machine if he sees fit. So far as I have been informed, I do not even know that the Secretary of State has requested us to enable him to buy this machine. In the first place, it seems to me that whether this should be installed or not, whether it is practical or not, is a matter wholly within the jurisdiction of the Secretary of State in his department. It is just the same as buying anything else he feels he needs. If he had come here telling us he really needed this machine, and had investigated it, that would be one thing, but I do not find anything so far where he has.

Now, as some of you undoubtedly know, it is in contemplation with the Code Committee that we shall establish a new Bureau of Motor Vehicles under the Finance Department. It seems to me that it would be entirely improper for us to direct the present Secretary of State to make this sort of a set-up at the present time and then immediately appoint somebody else to run this Motor Vehicle Bureau. It seems to me that we might properly leave this whole matter until the next Legislature, and then, if we do have a new chief of this department, let him decide what sort of a set-up he wants in the Motor Vehicle Department after proper investigation.

Now it does not seem to me that this is a matter that calls for any special action on our part. I do not know much about it, and I have talked with several members and very few of them seem to know much about it. It is just something that has come up and somebody thinks it would be a good idea. We have been refusing to appropriate money. It seems to me that here is a place where we might well pause before we appropriate this money. If it is a good thing, we can find out about it at the next Legislature and provide for it then. Therefore,

Mr. Speaker, I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves that the order be indefinitely postponed.

Mr. McGLAUFLIN of Portland: Mr. Speaker, is the matter still open to debate?

The SPEAKER: It is.

Mr. McGLAUFLIN: Mr. Speaker, I would like to say that at the prior session I happened to have some talk with Mr. Robie in regard to this very matter, and he stated that he had been trying to get this machine for a long time, that he had tried to get it through Mr. Runnells, and Mr. Runnells suggested that instead of having the machine that he should turn that business to him, which he refused to do, and Mr. Runnells refused to let him have the machine.

Now he pointed out to me at that time that it would be a big saving to the State, that it would cut down quite a considerable number of employees and would give the department much more efficiency. I therefore favor this measure. I do not think this matter should be indefinitely postponed. I think it is a matter that has merit and that we should pass it.

Mr. MILLS of Farmington: Mr. Speaker, may I ask that the Order be read.

The SPEAKER: The Clerk will read the Order.

Order was read by the Clerk.

Mr. PAUL of Portland: Mr. Speaker, I had not intended to make any remarks on this matter, but I do wish to say that last year your Recess Committee on Motor Vehicles investigated this matter and attempted to find some easier way to take care of these license applications, and the Committee was thoroughly satisfied that this machine would be a great advantage to the State of Maine. I have also learned that this Order meets with the full approval of Mr. Robie. He asked for it, saying that he could curtail in his department a great deal if he could have this machine. Also, if this Order is passed at this time, it would permit Mr. Robie, if he is going to install the machine, to install it in time to be used in the registration of cars in 1941.

Mr. MILLS: Mr. Speaker, I will not say anything about the Order for the machine, because I do not know anything about it, but, the

other day, we had a report before us which criticized the Council for usurping the functions of the Legislature. It appears to me that this is very similar to making Orders which have gone before the Executive Council in the past, and properly so. It seems to me that this would be more a function of the Executive Council than of this deliberative body. However, there is nothing particularly obnoxious in passing it, because the Secretary of State is not bound by it if he finds it is not a good thing. He does not have to put the machine in unless he wants to. But it strikes me that it is rather peculiar that this Order should come before us today when it is something which, for a good many years, they have been going to the Governor and Council for.

The SPEAKER: The question is on the motion of the gentleman from Livermore Falls, Mr. Grua, that the Order 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 doubted,

A division of the House was had.

Forty-five having voted in the affirmative and 46 in the negative, the motion did not prevail.

The SPEAKER: The question is now 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 Order received passage in concurrence.

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

From the Senate:

Report of the Joint Committee Created to Study the Financial and Functional Activity of State Departments 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 leave to withdraw.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate:

Bill "An Act Relating to Registration of Veterans' Graves" (S. P. 774) which was passed to be enacted

in the House earlier in the day and passed to be engrossed yesterday.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The rules were suspended to permit consideration of Senate Amendment "A" at this time.

Thereupon, the House voted to reconsider its action whereby this bill was passed to be enacted; and to further reconsider its action whereby the bill was passed to be engrossed.

Senate Amendment "A" was then adopted and the bill as amended was passed to be engrossed in concurrence.

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

Mr. MacNICHOL of Eastport: Mr. Speaker, is this the proper time to present an Order?

The SPEAKER: The gentleman may present his Order out of order, which technically is under suspension of the rules.

Mr. MacNICHOL: In presenting this Order I would like to speak very briefly on the Order in explanation of it. Would it be in order—

The SPEAKER: Does the gentleman desire the Order read first?

Mr. MacNICHOL: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Eastport, Mr. MacNichol, presents an Order, out of order, and moves its passage. The Clerk will read the Order.

The CLERK: Ordered, that the Governor and Council be and hereby are requested to forthwith discharge John W. Healy as Chief of the State Police.

Mr. MacNICHOL: Mr. Speaker, I think, before I make any remarks on that, that I should fortify my position. I do not speak in this relation as a member of the Special Investigating Committee, I do not speak as a member of the minority party, but I speak as a member of this Legislature, and I think that the evidence that I present to this Legislature from the partial report of the Investigating Committee will justify my position. As I understand it, in the case of Chief Inspector of Motor Vehicles Burtis Fowler, in his case I understand that the Chief of Police is looking over the evi-

dence to determine whether or not there is ground for courtmartial.

Now in the light of what is in this report, I do not think that this man, Chief Healy, can or should be asked to prefer charges against Burtis Fowler. I want to read you just a few lines from this report, found on Page 46:

"Mr. Fowler kept the money and brought it to Augusta"—this was money that he received from the Burns Detective Agency—"that he could not thereafter return the money to Mr. Burns because Mr. Burns had returned to Boston. For some reason, the exact nature of which the Committee has been unable to ascertain, Mr. Fowler took this \$50 to Chief Healy and asked him to keep it for him. Chief Healy states that although he did not wish to take the money for safe-keeping and advised Mr. Fowler that the money was 'too hot' to keep and that he should immediately return it, he finally did take it. Mr. Fowler denies that Chief Healy advised him to return it. Chief Healy further states that after a few weeks Mr. Fowler replied that he guessed he would put it into the campaign fund."

The subsequent testimony shows Mr. Fowler did not put it in the campaign fund.

Now there is a police regulation which says that any officer in the line of duty shall receive no pay other than that paid by the State. Chief Healy must have known of that regulation, and he must have known that this was a flagrant violation of that regulation. He admitted that he said to Mr. Fowler that the money was too "hot" to keep, yet he took it and kept it in his custody. Now he has Mr. Fowler under him in the matter of discipline. He could have ordered Mr. Fowler to return the money and comply with the regulations of the Police Department. He did not have to request him; he could have ordered him to return that money. As a matter of fact, he did not even need to give it back into Mr. Fowler's custody. By this action, Chief Healy at that time admitted that he was an accessory. Now how are you going to ask Chief Healy to prefer charges in that particular case when he knew all about that back in 1938 and did nothing about it? Has that man not implicated himself the moment he prefers charges against Mr.

Fowler? I think it is rather an embarrassing situation to put him into, because he is sticking out his own neck. I do not believe that man should remain in charge of the Maine State Police. I think that that one instance alone justifies this action, regardless of anything else that has ever transpired. This has confirmed the suspicion that I have had that the Police Department was run negligently and that there was a lack of discipline. I believe that the Order which I presented should have passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Eastport, Mr. MacNichol, that the Order receive passage.

Mr. BIRD of Rockland: Mr. Speaker, if I remember correctly, and some of the members of the Judiciary Committee will correct me if I am in error, I think we have enacted a law here during the last Legislature that if anything should arise, the Chief of Police can be removed by the Governor and Council. Now I think in these proceedings we should be rather deliberate. This is a real drastic proceeding, and I hold no brief for Chief Healy, but it is a drastic proceeding to present an order and order the Governor and Council to discharge Chief Healy. I question the feasibility of that. If there is anything wrong about Chief Healy they can bring him up there and have a Court Martial and have him tried. He is not here to defend himself at all and we order him discharged. I think it is an improper proceeding and I therefore move that the order be indefinitely postponed.

The SPEAKER: The gentleman from Eastport, Mr. MacNichol, presents an order and moves its passage. The gentleman from Rockland, Mr. Bird, moves that the order be indefinitely postponed. Is the House ready for the question?

Mr. BURGESS of Limestone: Mr. Speaker, this Legislature was called into special session on account of instances which have been brought to light, and our good Governor of Maine placed in our hands a case. We proceeded to select a group of our own members to carry on an investigation. As a result of their investigation, some of their findings smell to high heaven. In this instance, and probably there will be many others, there is evidence that

Chief Healy has been a party to something that is wrong, and I for one want to voice the sentiment of my people back home that anyone in a State position who has been a party or in any way an accessory to something that is not in keeping with the dignity of the position should go, and if the Governor and Council have not the nerve to let him go, I am in favor of telling them to do it.

Mr. MAXIM of Portland: Mr. Speaker, I want to say that this matter is all new to me; Chief Healy is just XYZ to me; I have never seen him and know nothing about him except what is in this report. I agree, however, with the gentleman from Rockland (Mr. Bird) that this is a very irregular and undesirable proceeding which runs the risk of doing a grave injustice to a man who is entitled to a hearing. It is a matter of one of the fundamental principles of American jurisprudence that every man is entitled to his day in Court. If Chief Healy has committed crimes or misdemeanors of sufficient gravity to justify his dismissal, by all means the Governor and Council should dismiss him, but the machinery for dismissal is the machinery of Court Martial. This man is entitled to his trial, which, as I understand in police terms, is the procedure of Court Martial. If we are going to act hysterically in this matter, it seems that we are denying him the right to be heard. I am sure that no one of you on sober second thought would want to deny that right to anybody, guilty or otherwise. On that account, I feel that we should not take action at this time, but rather leave the matter to the Governor and Council who, in the natural course of events, after all this investigation and publicity which it has had, are going to act in those cases where it seems to them as honest and able citizens, as I believe they are, that the circumstances require action. I therefore have to agree with the motion of the gentleman from Rockland (Mr. Bird) that this matter should be indefinitely postponed in order that unintentional injustice may not be done to a man who may be innocent.

Mr. MURCHIE of Calais: Mr. Speaker, I am pleased indeed that the Legislature is in a mood to do everything possible to do what cleaning up they can, but I surely

hope that we are not going off half cocked in a situation of this kind. I might for a moment place myself in the position of the Chief of Police. I am going along with my officials. One of them may go a little astray or be drawn into a situation where he is getting campaign funds. He may come along and ask me to keep this money. It is perfectly natural that I might say, "You better give that money back; it isn't hardly the thing to do to keep it." It is quite a human thing that Chief Healy would be inclined to act in that way, and I do not think that he should be condemned for a situation of that kind.

In the case of Mr. MacNichol from Washington County, he stated that he is appearing as a member of the Legislature and not as a member of the investigating committee, but it seems to me that he is taking advantage of the fact of his connection with that committee to play a little politics. I do not want you to go off half cocked on this thing today.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I do not even know Mr. Healy by sight, and from the case presented by Mr. MacNichol the matter does not sound very good to me, but I have grave doubts about this Legislature having any authority to order the Governor and Council to remove anybody except by the methods provided by the Constitution of this State. I think as far as we have a right to go is to make recommendations. I do not know of any law that authorizes us to give any such command. I think we are not acting in the right way. I therefore favor the motion of the gentleman from Rockland, Mr. Bird.

Mr. BROWN of Caribou: Mr. Speaker, like some of the other members who have spoken here, I am not acquainted with Chief Healy. I am not acquainted with any of the members of the Police force. It seems to me that we are going a long ways when we take it upon ourselves to order the Governor and Council to do anything. I do not understand that the Legislature has the right to order the Governor to do anything. We might suggest that the Governor and Council might try Chief Healy and, if cause is found, to remove him, but I think we are going a long ways in our duty when we attempt to order the Governor to discharge a man. We cannot dis-

charge him without giving him his Constitutional rights. If the order is so drawn as to ask the Governor and Council to have a hearing for this man, we might do that, but I think it would be impossible to order the Governor and Council to discharge anybody.

Mr. BURGESS: Mr. Speaker, I offer an amendment to the Order.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

"Amend said Order by inserting at the end thereof the following: 'or order Court Martial proceedings against the said Chief Healy'."

The SPEAKER: Is it the pleasure of the House to suspend the rules to permit consideration of the amendment without reproduction?

The motion prevailed.

The SPEAKER: The Chair will request the Clerk to read the Order as it would read with the amendment.

The Clerk read the Order and amendment as follows:

Ordered, that the Governor and Council be and hereby are requested to forthwith discharge John W. Healy as Chief of the State Police, or order Court Martial proceedings against the said Chief Healy.

The SPEAKER: The question is on the adoption of House Amendment A.

Mr. RICHARDSON of Strong: Mr. Speaker, I too am appearing not as a member of the Investigating Committee. When we meet as we are now, we are all members of this House. I question whether it is necessary to present any charges or have the Governor and Council request charges for trial before the board set up. Not so many months ago we had a demonstration showing that the Governor and Council can remove a Chief for cause without an order from this body or any other source. I did have the privilege of hearing the testimony, and I believe that the error made, if it was an error, and we may agree it was, was nothing unusual. I believe if we wanted to investigate each and every official in this State House and request that charges be preferred against as many of them as may have made a minor violation, we would not stop with John W. Healy, but the State House would be absolutely depopulated.

So I say that not because I am a friend of John W. Healy, but because I believe the machinery already exists for his removal if there are charges that warrant his removal. I suggest that we confine ourselves to the affairs that properly belong to the Legislative department and leave the responsibility for his removal right where it belongs, with the Executive Department of this State Government. (Applause)

Mr. MAXIM: Mr. Speaker, I want to say that I do not see that this places the situation in any different light than it appeared at first. I object to the amendment and I object to the entire process as an interference on the part of a coordinate branch with the Executive Department. Our whole theory of Government is based on three coordinated departments, Legislative, Executive and Judicial. Here is one coordinate department ordering another coordinate department to do a certain thing. The whole theory of it is wrong. I think the same objection applies to the amendment. You are putting us in the position of ordering a coordinate department to do a thing which I think we may rest assured they will do it in their judgment there is sufficient reason for ordering Chief Healy for trial. I therefore move the indefinite postponement of the amendment.

Mr. VARNEY of Berwick: Mr. Speaker, I feel that I should say that I am opposed to the amendment for reasons which I do not think anyone has yet suggested. I do not believe if you passed the amendment that the Governor and Council could start Court Martial proceedings under the law. Court Martial proceedings are something which pertain to the army. While it has been referred to in regard to the State Police as Court Martial proceedings, I think I am correct in saying that the Governor and Council would have no authority to institute Court Martial proceedings against the Chief even if we should instruct them so to do. I am opposed to the amendment for that reason alone.

Mr. BUBAR of Weston: Mr. Speaker, again at this time, as in the spring of 1939, I see this House coming up to the edge of a precipice and looking over the brink and pulling back. It would appear to me that this Legislature so far has fal-

len in line with the opinion of a couple of State officials that I heard talking only Wednesday morning. As I was leaving the State House, and I think their opinion is in line with the opinion of others all over the State, two girls came out of a certain office downstairs, and as I was going down the stairs, I didn't have a chance to look at their faces to recognize who they were, they were discussing this present Legislature, and one of them passed the remark, "I wonder when these damned punks are going home." Now when the employees of the State get that opinion of us I think it is time we did something. They are making monkeys out of us from one end of the State to the other.

One more thing, we have a Legislative Investigating Committee that up to this time has done a splendid job. I would suggest that we instruct the committee to give Chief Healy a hearing, and while they are about that they might also look into the Utilities Commission and from there go down into the basement and look into some of the underhanded methods employed in our Fish and Game Department. I do not blame the wardens but I do blame the leaders. I think we should take the same action right straight down the line. There are many other things that could be brought to the attention of the Committee.

Also we have the rumor, while I am on this matter of suggestion—

The SPEAKER: The Chair would remind the gentleman that the question under debate is the adoption of House Amendment A.

Mr. BUBAR (continuing): Mr. Speaker, I think I have brought the point out which I intended. It is a matter of record and the Committee can take action along the lines of the Order the gentleman from Eastport, Mr. MacNichol, presented.

Mr. COWAN of Portland: Mr. Speaker, if the members will pardon me for taking up two or three minutes of their time. I think that very commendable action is being taken by this Legislature in investigating certain irregularities and considering carefully what if anything should be done to correct the matter either by the removal of improper officials or by setting up new laws so that the same procedure cannot continue. It is important that we proceed in a dignified fashion. Each and every one of us

was selected because it was the opinion of our fellow-men that we possessed common sense to come down here and attempt in a reasonable and orderly manner to provide for the welfare of the State.

We passed here a bill or an order, I think it was, calling on our Special Code Committee to present certain bills and place before us or the succeeding Legislature certain bills for correcting certain defects they may find or that may develop in connection with our State government, also to correct matters that have been discovered by the so-called Investigating Committee. That Committee is also to continue its investigation. I think it is highly improper that we should jump in now without being sure of our basis for action when we will be back in October. If the evidence shows there is any reason for the removal of this gentleman, whom I never saw in my life, I certainly would go along with the gentleman from Eastport (Mr. MacNichol). That is about all I have to say, just simply that we should not jump too quick and go off half-cocked.

I understand while several members of this House were attending a committee hearing, a measure was passed much along this line, an order interfering with the conduct of the Executive Department, an order in which as I understand it, this Legislature has no place at all. Also I understand, I am told by the Secretary of State, that he did not approve of that at all. This order of the gentleman from Eastport, Mr. MacNichol, and the amendment seem to be unwarranted interference by the Legislature with the Executive Department.

Mr. MacNICHOL: Mr. Speaker, I want first to be understood on this matter of being half-cocked. I do not consider that we are going off half-cocked. I have thought this matter over carefully. I have consulted even some of the members of the opposition. I do not believe my good friend from Calais (Mr. Murchie)—he says I am playing politics, and I resent having him say that. Everyone has said, "Let Chief Healy have a hearing." Can he go back on his sworn testimony given at the hearing? If he does, he would perjure himself.

This Legislature can order the Governor and Council; we have got the power and authority to present that order to the Governor and

Council. The gentleman from Weston, Mr. Bubar, said that we have taken a look over a precipice and then pulled back. Everyone has said the committee did a good job investigating. Now is this Legislature afraid to take the step?

Mr. MARSHALL of Auburn: Mr. Speaker, I oppose the adoption of the amendment, not because I oppose what it is designed to accomplish but simply as a matter of procedure. I suggest to the gentleman from Eastport (Mr. MacNichol) and the gentleman from Limestone (Mr. Burgess) that they withdraw the present order and proceed in the same manner we have in other instances. We have sent a record of the testimony of various people to the County Attorneys of Kennebec and Androscoggin Counties and recommended immediate Grand Jury action. In this case I would suggest to those gentlemen that we send the record to the Governor and Council and recommend the action that we would like to see taken, I presume a hearing. The Governor and Council can discharge the Chief of the State Police for any reason or no reason at all, and after he is discharged he can then ask for a hearing. They can then decide whether they have a reason and whether it is sufficient. At the present time I will vote against the amendment and the order, not because I object or oppose what is aimed to be accomplished but only as a matter of procedure. I urge those gentlemen to follow the procedure I outlined and I believe it will accomplish the result.

The SPEAKER: The question before the House is shall House Amendment A be adopted. All those in favor of adopting House Amendment A will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail, and House Amendment "A" failed of adoption.

The SPEAKER: The question now before the House is on the motion of the gentleman from Rockland, Mr. Bird, that the Order be indefinitely postponed. All those in favor of 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.

Report of a Committee

(Out of Order)

Mr. DOW from the Committee on Legal Affairs on Bill "An Act relating to Officers and Employees in Military Service" (H. P. 2276) (L. D 1257) reported same in a new draft (H. P. 2281) under title of Bill "An Act relating to Employees in Military Service" and that it "Ought to Pass."

Mr. VARNEY of Berwick: Mr. Speaker, I move that the rules be suspended and the New Draft be given its first reading at this time without printing.

Thereupon, the New Draft was given its two several readings.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I would like to hear that read somewhere in the proceeding.

The SPEAKER: The Chair will instruct the Clerk to read it in full on the third reading.

Mr. McGLAUFILIN: Thank you, Mr. Speaker.

The New Draft was given its Third Reading in its entirety.

Mr. LaFLEUR of Portland: Mr. Speaker, I assume it would be well at this time to explain the difference between the new draft and the old draft. Under the old draft, if you will note, if you will read the same, there was a provision covering not only employees of the State but also officers of the State. In the old draft there was no period of employment stipulated. In the old draft there was no period of duration of the Act. Now the purpose of filing this Act, as far as I am concerned, is this: Without a question of doubt, there will be a draft in this State within the next two months which will affect all men between the ages of eighteen and sixty-five, with a draft of between twenty-one and thirty-one. The purpose of this particular bill is to impress on the mind of the employee of the State, and by employee I mean that individual who is regularly employed at a very nominal salary, that if he should enlist or enroll or be drafted that he will not thereby lose what rights he has for pension or seniority. When he returns from the Federal service, during the life of the Act, he will be permitted to resume his occupation in the State.

I wish this Act could be applied

to every industry in the State. I well recollect in the last World War that a lot of we men were suddenly taken out of civilian life or out of colleges in the State and either enlisted or were inducted into the service. There was always that question in our mind that when we returned, "How will we adjust ourselves to the new economic conditions as we find them on our return?" I believe the State should be willing to protect that employee who eventually finds himself in the Federal service in so far as seniority rights are concerned and pension rights are concerned so that he may go into the service with a free mind that he may come back from the service and resume his occupation prior to leaving the State service.

You will note in the first Act it includes the term "Officers." I was unwilling to go along with that particular set-up. I believe an officer of the State who is appointed for a term of years at a substantial salary, if called to the Federal service, may well readjust himself in economic life upon his return, but the individual who is getting from eighteen dollars a week to twenty-five or thirty dollars a week, if he is suddenly called into the service, and upon his return finds his position gone, he is unable to readjust himself in economic life and it is a serious disturbance of the normal set-up of a man in the service.

With this assurance, if the boy is called and if he enters the Federal service, he can rely on the fact that the State will recognize the sacrifice he is making and that he can come back to his original position and his seniority rights are resumed and his pension rights are preserved. It makes a better soldier for the State and Nation. It is for that unfortunate individual, and I say that advisedly, who is receiving only a nominal wage at the present time and who is suddenly transferred into Army life, he can have that feeling in his heart and mind that the State is saying: "Come back and we will give you the same employment."

Another reason why the officers were excluded from the New Draft, those men are receiving substantial compensation for their work. We men who have enjoyed a substantial compensation through our life should be willing to permit these individuals who are receiving only

a nominal wage to have the assurance that they can readjust themselves in civil life. Those are the principal differences between the two bills. In other words, if the employee is regularly employed by the State, he must have been actually employed for at least a year prior to the time of his enrollment or of being drafted.

We have placed a further safeguard in that the duration of the Act is August 1, 1943 so that when the Legislature meets in 1943 should find that the emergency still exists and should the boys still be in the service, it might well at that time extend the provisions of this particular Act to cover the additional emergency.

I hope, ladies and gentlemen of the House, when you vote on this bill, it is an emergency proposition, it must—and I say that kindly, it must be put through for the reason that if it is not passed as an emergency and is postponed to October or next January, you will find your boys going into the service and there is some question in our mind whether we can make it retroactive.

Those are the reasons why we are asking you to at least indicate to the other people in the State, in so far as we are concerned, that we are giving all the encouragement in the world to these boys who may be eventually called to the Federal service and whom we hope will come back to assume their place in our economic life.

THE SPEAKER: This bill, having had its three several readings, is it now the pleasure of the House that the bill be passed to be engrossed?

Thereupon, the bill was passed to be engrossed and sent up for concurrence, and 500 copies ordered printed.

On motion by Mr. Bird of Rockland,

Recessed until 4 o'clock, Eastern Standard Time.

4:30 P. M.

The House was called to order by the Speaker.

Passed to be Enacted (Out of Order)

An Act Amending the Law Relating to Deposits of State Funds (S. P. 781) (L. D. 1259).

An Act Relating to Oak Grove School. (S. P. 784) (L. D. 1262)

Were 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.

Enactor

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

Mr. WEATHERBEE of Lincoln: Mr. Speaker, I move that the rules be suspended to permit reconsideration of the action of this House a short time ago whereby House Paper 2277, L. D. 1261, was passed to be engrossed.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, moves that the rules be suspended to permit reconsideration of the action of this House taken earlier in today's session whereby House Paper 2277, L. D. 1261, was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed, and the gentleman from Lincoln, Mr. Weatherbee, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 2277, L. D. 1261, Bill An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage.

Amend said Bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, the 76th Congress of the United States of America by an Act approved August 10, 1939 amended the Social Security laws by action occurring subsequent to the adjournment of the regular session of the 89th Legislature of the State of Maine, and

Whereas, such amendments to the federal Social Security act seriously affect the cooperative features of the Maine unemployment compensation law, and

Whereas, a failure to amend the unemployment compensation law at once will result in depriving many individuals of substantial rights to which they are entitled, and

Whereas, to deprive such individuals of said rights would be a serious menace to the health, morals and welfare of the people of the state which constitute a subject of

general interest and concern requiring appropriate and immediate action, and

Whereas, the foregoing facts in the judgment of the legislature constitute an emergency within the meaning of the constitution of this state and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

And further amend said Bill by adding at the end thereof the following:

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

The CLERK: This amendment bears the endorsement of the Committee on Rules and Business of the House recommending printing and consideration without reproduction.

Mr. WEATHERBEE: Mr. Speaker, I hope this is the last time that I shall arise to speak on this particular piece of legislation, but, the last time this Bill was introduced it was considered likely that it would pass and ninety days might elapse between the close of the session and January 1, 1941, but unless this Bill goes into effect before January 1, 1941, there will be a substantial loss to the employers of the State of Maine.

One of the features of this Bill, as you will remember, was to exempt the collection of taxes upon certain salaries, and unless this Bill goes into effect before January 1, 1941, these employers will be forced to pay over to the Commission a large amount of money, totaling several thousands of dollars, at least, in these exempted taxes. So, as it appears that this Legislature might adjourn until a later date this fall, and, if they did so, your ninety days could not elapse between the date of adjournment and January 1, 1941 it seemed wise, if not necessary, to call this measure back and put this amendment on it. It is nothing more or less than an emergency clause. This Bill could go into effect immediately and there would not be any need of worrying about when this House adjourned. So I have taken up the time of this Legislature once more upon this measure, which is very important, although very uninteresting, I know. I hope the members of this House will see fit, the con-

troversial points of this measure having been entirely ironed out, to pass this as an emergency measure so that it can get into effect in time to save the employers the necessity of paying taxes on these exempted salaries.

Thereupon, House Amendment "A" was adopted, and the Bill passed to be engrossed as amended, in non-concurrence, and ordered sent to the Senate forthwith.

Additional Report of a Committee (Out of Order)

Supplemental Report of the Joint Special Legislative Investigating Committee, Created by Joint Order, H. P. 2254, to Special Session 89th Legislature, transmitting therewith additional testimony of Benjamin West Lewis and Hon. Fulton J. Redman.

Report was read and accepted, and the Report and accompanying papers ordered placed on file and sent up for concurrence.

House at Ease

5 P. M.

Called to order by the Speaker.

Divided Report of a Committee (Out of Order)

Majority Report of the Committee on Judiciary on Bill "An Act to Prohibit Certain Political Activities" (H. P. 2275) (L. D. 1256) reporting that same be referred to the next Legislature.

Report was signed by the following members:

Messrs. HINCKLEY of So. Portland
WEATHERBEE of Lincoln
BIRD of Rockland
VARNEY of Berwick
BATCHELDER of Parsonsfield
McGLAUFILIN of Portland
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 2282) under same title and that it "Ought to pass"

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. HILL of Cumberland
—of the Senate.

GRUA of Livermore
—of the House.

Mr. MILLS of Farmington: Mr. Speaker, I would like to make the

motion that the Minority Report be accepted, and I would like also to have the new draft as it has been prepared read to the members. It is very short, and I think, before we can adequately consider it, it should be read.

The new draft was read by the Clerk.

The SPEAKER: The question is on the motion of the gentleman from Farmington, Mr. Mills, that the Minority Report, "Ought to pass in new draft" be accepted.

Mr. McGLAUFILIN of Portland: Mr. Speaker this Bill was presented before the Judiciary Committee this afternoon, and it was opposed, apparently, by every member of the Committee, as originally drawn, and in order that you may understand what the situation is, I will call your attention to some of the provisions of this Bill.

First, in Section 1, as originally presented to the Committee, it provides that no corporation can contribute anything to campaign funds—

Mr. MILLS: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. MILLS: The gentleman is speaking on something which is not before the House. The Bill, as originally drawn, is not before the House. I think the gentleman should confine his remarks to the new draft.

The SPEAKER: The question before the House is on the acceptance of one of the two reports of the Judiciary Committee. It seems to the Chair that the vote on the motion to accept the new draft very well involves the merits of both drafts.

Mr. McGLAUFILIN (continuing): Mr. Speaker, I want to say for one, that I can see no reason why corporations should not contribute toward campaign funds as much as any of us, and, as you know, some of us nave to contribute, if we go to the Legislature.

The second provision provides that no candidate can contribute more than one thousand dollars during one election, and, on inquiry as to whether that shut out the candidates for the United States Senate, Governor or State Representative from contributing more, it was admitted that the Bill would have to be amended to enable them to contribute to their own campaign more than one thousand dollars. The Bill has other objections which

I shall touch upon in just a moment, but I want to say that while the Committee was opposed to this draft, the minority of the Committee—and it made this Report—felt that there were two or three measures in here that had some merit, and that therefore we should put in a new draft, apparently to appease the public, without giving this very much consideration.

And in this new draft is this provision: "That no state official shall hold any office in an organization of a political party of this State." In other words, if a person is employed by the State of Maine anywhere, if they should join a Republican Club or a Democratic Club, they could not even act as Secretary of that Club. It then goes on and forbids, as I understand it, any solicitation of funds from officials of the State. I myself can see no reason why State officials should not contribute to campaign funds as well as anybody else. The objection is this—and to this I would be opposed—to having anybody in authority over these officials solicit funds from them. But that is not this Bill.

I can see no reason why a person that is in the State employ should not be enabled to work as any other citizen does in behalf of the party that he represents, if he does not subvert his office to that solicitation.

Now the majority of the Committee feel that there is possibly some merit in the Bill, and we all recognize that the author of this Bill, Mr. Mills, was acting in perfectly good faith, and we have no desire to belittle him in any sense whatever. We have a very high regard for him, but we do think this matter should be given careful consideration after a public hearing which many members can attend, and at this time we should not pass a measure that only half covers the subject. Therefore I hope that the motion does not prevail.

Mr. GRUA of Livermore Falls: Mr. Speaker, I would like to state my reasons for signing the Majority Report.

The Minority Report, if you study the thing carefully, merely says this: That the appointed officials of the State shall not take part in any political activities in the sense of belonging to town, county and city committees and the like. They also shall not go about soliciting funds

on behalf of any political candidate or party.

On the other hand, it also prohibits State-appointed officials from being solicited for funds. The reason that we are putting this forward is that we feel, on the one hand, it is improper that State officials who are interested in continuance, possibly, of themselves in power, should be permitted to use their office or position for the purpose of soliciting funds and to try to get others who may be more or less dependent on their favors to pay to their particular candidate or party. We thought that was improper, and I think it was generally agreed it was improper.

On the other hand, we felt that there was great danger that people appointed to responsible positions might feel under obligations to contribute something to the campaign if somebody in authority over them came around and solicited from such individual.

Now it has been suggested that other than officials might solicit from these State officials. I can conceive very easily that that might be circumvented by assigning someone other than a State official to do it. Therefore, it seems to me, if we want to stop that practice, we had better prohibit solicitation of contributions from State employees. That does not prohibit State employees from giving any amount that they see fit to the political party or any political candidate. This bill has nothing to do with that. They can do it of their own free will. This bill simply prohibits undue pressure to contribute. And, for those reasons, we did think that feature of this bill did have sufficient merit for us to do something about it in this Legislature, and for that reason I signed the Minority Report recommending this provision in the new draft to be passed.

Mr. BIRD of Rockland: Mr. Speaker and members of the House: There was only one man that appeared before this Committee and suggested this bill, and that was the gentleman from Farmington, Mr. Mills. You will notice that House Amendment "A" is put on as an emergency clause.

Now we have been told that we came here to do a job, and I do not think that we should go home and half do the job. This bill means

a good deal to the citizens of the State of Maine.

Now what has happened? Nobody looks in the newspapers to see what legislative hearings are being had in a special session. There was no one from Aroostook County, Cumberland County, Piscataquis County, or any other county, that came before our Committee to give their views relative to this suggested form of legislation. Our opinion is the opinion of a majority that this needs careful consideration. Now if we are going to do a job, let us do a real job, let us refer this to the next Legislature, let us have a real hearing and let us hear the merits and demerits from all the citizens of the State of Maine. This is just a child that we are presenting now, and let us create a real man when we come before this Legislature. That is why the majority of this Committee was opposed to this legislation at this time. I trust that the motion of the gentleman from Farmington (Mr. Mills) will not prevail.

Mr. LAMBERT of Lewiston: Mr. Speaker and members of the House: I attended this hearing this afternoon and spoke in support of the bill of the gentleman from Farmington, Mr. Mills, and, after listening to the re-draft, I am in favor of the re-draft as is proposed.

There was brought out during the hearing something which has not been brought out here yet, and that is the fact that some of the employees of the State are using their job to further their political influences in furtherance of somebody's campaign.

In Androscoggin County, the last Primary Election, it was very noticeable in my own ward that we had a Liquor Commission Inspector that sat up a table side of the building and worked all day long. Whether or not he was paid by the State, I don't know, but I presume that he was working on the State's time.

I think it is high time that we should stop such practices, and there is no time like the present time.

As far as contributions by corporations, I think we have had a good example of this here in the partial report of the Investigating Committee to this House, where a large trucking concern contributed the sum of five hundred dollars, and some possibly less fortunate express

companies did not get any freight, due to the fact that they did not contribute five hundred dollars. I say this: These corporations only throw in money to further somebody's campaign for their own interest and just to stop the other fellow from having the business. I am very much in favor of the new draft and I hope the motion of the gentleman from Farmington (Mr. Mills) prevails.

Mr. BIRD: Mr. Speaker, I wish to correct the statement I made. I did not see the gentleman from Lewiston, but he was there, and I wish to state that he and the gentleman from Farmington (Mr. Mills) were the only persons who appeared before the Committee.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: I personally have no particular interest in this kind of a bill except my interest as a citizen of the State of Maine, but I do not believe there is anything within the scope of the intended action of this special session of the Legislature, and neither do I believe that there is anything which has been presented by the Committee or anybody else that presents a situation that necessitates our dealing with a thing of this kind at this special session.

To begin with, it would be one of the most unfair things that we could do by our citizenry, not to have a properly advertised committee hearing at a regular session. It is not anything we have the right to pass in a day or a week; it is something that should be presented in the regular session of the Legislature, and I would make a motion that, with all due respect to the Committee, both reports be indefinitely postponed.

Mr. VARNEY of Berwick: Mr. Speaker, I would like to explain very briefly why I signed the Report referring this to the next Legislature. I may say I was not able to attend the hearing before the Judiciary Committee, and so I felt that I should sign one report or the other, and, first believing that no employee of the State should take any part in political activity, I placed my name on the Report of "Ought to pass in new draft." It then occurred to me that the bill had an emergency clause on it, and I went and got it and read the emergency clause, and when I read the first clause in the emergency,

which says in substance that recent disclosures have shown that certain political activities of certain State employees require immediate action—I am not quoting word for word—require immediate action for the safeguarding of the coming election, it occurred to me that I could not subscribe to that proposition as being an emergency inasmuch as I recall that there has been but one instance disclosed by the Committee of any political activity on the part of any State employee. I therefore changed my Report and thought it was better, under the circumstances, to refer this legislation to the next Legislature and sign that report.

Mr. Mills of Farmington, was granted permission to address the House the third time.

Mr. MILLS. Mr. Speaker, before this Bill dies what I consider to be an untimely death, I would like to say a few words about this Bill and about the entire issue which is before us, and which is embodied in this action which I presume you are going to take.

Several months ago we heard sensational statements made concerning the State's business, and we were convened in session and set up a Committee to look into these statements, to find out whether or not there was any truth in them, and to find out in regard to the affairs in our State Departments and the management of our State Government, and then we very properly adjourned to a day certain and gave that Committee some time in which to investigate.

Now in setting that day certain, I thought we were to come back here and to not only hear their Report, but to take some action along the lines of the Report. We could have heard the Report if we had stayed back home; we could have heard the Report over the radio, and they could have filed it in the Clerk's office, and they could have publicized it as the newspapers would have published it. I think it was a very great waste of the State's money for them to come down here just to file the Report. I think we intended at that time to take some action. We have seen the great sacrifices made by the members of that Committee in coming way from Aroostook County and other parts of the State to do their work and do it without pay, and I think that they are to be commended most highly for the work they

have done. I dislike to go back home and say we did nothing about it, that we heard it and said that the Committee had done a good job and adjourned, whether to a day certain or for good has not yet been determined. The situation that was presented to us was a critical one, I submit.

This Bill does not remedy it; this Bill is only a drop in the bucket; it is only one little step, perhaps just a baby step, but the whole idea is we are apparently going to adjourn forthwith and take no action when the people really expect that we will take some action. I for one would be proud to try to emulate the example which has been set for us by that fine committee, and I had just as soon stay here, I don't care if we have to stay here for a month, I had just as soon stay here and work as hard as they have for the public service. It is time we thought about it in terms of public service and not of private convenience.

I would just like to say that this Bill, the way that it has been drawn now, in the new draft form, is not going to be any great burden on the State employees. It would prevent them from soliciting campaign funds, it would prevent others from soliciting campaign funds from them. Yet it has been said here it is a very drastic step we should not take. It has also been said that if this Bill passes, a State official could not belong to a club or any party or belong to any particular caucus or committee. It says, I believe, "shall not hold office in such groups."

I just want to add that I have been very much disappointed, not by this Bill—I do not care what you do with it, you can reject it—but the idea of coming back and not doing anything!

The other day we were loud in our praise of the Committee and then we found the newspaper had made a mistake and we had a lot of enthusiasm and we took it out on them. Suppose they did make some mistakes and gave us some bad publicity. That was not the battle we came here to fight; it was to fight for some principles of good government, and I think we are going home without taking hardly a step in that direction.

Mr. HINCKLEY of South Portland: Mr. Speaker, I do not think it is necessary for me to say any-

thing in this regard, because the subject has been very thoroughly covered by the other members of the Committee who have signed this Majority Report.

In the first place, however, I cannot see any emergency; I cannot see how this is necessary for the preservation of the public peace, health and safety. Now I have heard this referred to in two certain newspapers as the "Baby Hatch Bill," and apparently those newspapers have advocated the passage of this measure. Now of course naturally I am very suspicious when these newspapers advocate any measures, but I will go further and say that I do not believe that those newspapers or any writer on either of those newspapers ever read this Bill. He could not have read the Bill. The gentleman from Farmington, Mr. Mills, who drafted the Bill, says this should not pass. Nevertheless, some people advocated the passage of it. Section one perhaps may be debated. Section two is out of the window by his own admission because a candidate himself ought at least to be able to contribute more than one thousand dollars to his own campaign if he so desires, but under this Bill he could not do it. Even the Governor could not contribute over one thousand dollars to his own campaign.

Now to go on to Section 3, it says that no official, and I will leave out some of it, in the executive department shall be allowed to utilize his position for the furtherance of his campaign or that of any political party. The Governor of this State would not be allowed under Section three to campaign for re-election. He could not possibly do it under penalty of five hundred dollars if he did.

Then Section 5 goes on and says, in spite of what has been said before, that nothing in this Bill shall be construed to restrict the right to express their views on any question. Now if that is not absolutely inconsistent! In spite of the fact that these people cannot do these things, you go and say you shall not restrict their right.

Now I think perhaps there is some merit in this Bill. There are one or two paragraphs in these sections that might pass. Undoubtedly this Minority Report intends to incorporate those provisions in that

report. As the gentleman from Rockland, Mr. Bird, has said, if you pass the Minority Report Bill, you have done a very partial job. You are not doing what you want to do. If you want a real Bill, I say pass a real Bill and not do half a job. The Committee I know has not had the time to give the proper attention to this matter and draft the legislation which we want and which I know the members of this Legislature want. If we are going to do a job, let's do a job and give the people something and not do just half a job. I venture to say that most of the members of this Legislature do not know what the Minority Report says. I do not believe they have even read it. For that reason I hope this matter may be referred to the next Legislature where proper hearing may be given to everyone and where the proper time can be given to it and due consideration.

Mr. WALLACE of Sanford: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Wallace, moves the previous question. In order for the Chair to entertain that motion, it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question 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 more than one-third of the members having arisen, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the main question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the two Reports of the Committee 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 two Reports, together with the Bill, were indefinitely postponed and sent up for concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Governor be requested to return to the Senate S. P. No. 777, L. D. No. 1260 An Act providing for the Expiration of All Orders of the Governor's Council at the End of its Term (S. P. No. 786).

Comes from the Senate read and passed.

In the House, a viva voce vote being taken, the Order received passage in concurrence.

On motion by Mr. Varney of Berwick,

Recessed until 7 P. M. this evening.

Evening Session—8:45 P. M.

Called to order by the Speaker.

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

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) which was passed to be engrossed in the House as amended by House Amendment "A" on July 24th.

Comes from the Senate with House Amendment "A" indefinitely postponed in non-concurrence, and the Resolve passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House to recede from its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A," and concur with the Senate in the indefinite postponement of House Amendment "A" and in the passage of the Bill to be engrossed as amended by Senate Amendment "B"?

Senate Amendment "B" read by the Clerk.

Mr. PAYSON of Portland: Mr. Speaker, in order that the House may have an understanding of what this amendment means, may I say, first, that it has been carefully considered by the Committee who presented the resolution and it has their approval.

To take it up paragraph by paragraph, and not in any detail on those paragraphs, you will find that the fourth section of the Constitution which was originally repealed, is stricken out of the repealing part, so that it will stay in the Constitution. That section provided that money should be withdrawn from the State Treasury only on warrant of the Governor and Council and only on appropriation legally made.

The provision of the warrant of the Governor and Council is scarcely observed now and has not been for the past eight years. The warrant of the Governor and Council which is used today is the quarterly work allotment which is made up for each department at the beginning of each quarter, so that they know how much they have to spend. That quarterly work warrant that is approved by the Governor and Council is called the warrant, but the old warrant of the Council, the detailed list of expenditures, is no longer used. Where it says in the Constitution "under provision legally made" or words to that effect, that is covered twice by the statutes, and it was felt by some who were careful that some Legislature might at some time get careless and repeal those legislative enactments, and it was felt that there was a safeguard in holding the Governor and the departments to these appropriations by a constitutional provision which is not so easily repealed, therefore Section 4 of the Constitution in this part is left in.

The next paragraph which says: "Further amend said resolve by striking out in the third paragraph thereof the words 'section four, part four, article five' simply ties back to the first section, as I explained, simply changing "annual" to "bi-annual." That is purely a formal change.

The last part of the amendment is intended to make sure that there cannot be any hiatus in the office of Treasurer of State. If by any chance the Legislature should fail to enact legislation to provide for a different Treasurer of State after the constitutional amendment had gone into effect, if adopted by the people, the old Treasurer of State, the present incumbent, would hold over until such time as the Legislature had made provision, so that if, by mechanical reasons or other reasons, the Legislature failed for a few days to appoint a new Treasurer,

there would not be a hiatus and pay checks and the business of the State would not be held up.

These changes are purely formal, and do exactly what it was intended to do in the resolution in the first instance, and they meet with the approval of the committee.

I want to say to you further that not ever in my political experience have I met with the skullduggery that has been practiced in trying to sabotage this resolution. I have had the pleasure of talking with members of this House and the Senate who told me frankly that they didn't like it, and we talked it out. But around this Legislature there has been work going on in the corridors and halls, skillful work, the most skillful I ever saw, nice undercover, knife in the back stuff. I don't know whether it is for personal reasons, I don't know whether it is for political reasons or whether it is just political skullduggery. I have simply pointed out to you what has happened and what you will run up against. It will happen again tomorrow, somebody will be around raising the devil as to whether this amendment is now in proper form. Then he will want to offer another amendment and keep on offering other amendments until you get tired and sick and go home and leave it on the table. They will not come out and meet you in a fair fight and go to bat, but will try to skuttle you from underneath.

The SPEAKER: The question is whether the House will recede from its former action and concur with the Senate in the passage of the Bill to be engrossed as amended by Senate Amendment "B."

Mr. HINCKLEY: Mr. Speaker, this is the first matter that the Code Committee, so-called, has presented in this Legislature.

The Code Committee, so-called, has probably not worked as hard or as long as the Investigating Committee—there is no question about that—but this Code Committee has worked just as faithfully as the other Committee, and we have just as honestly presented something for the consideration of this Legislature.

I, for one, did not have any doubt whatever that this legislation would meet with the unanimous approval of this House and Senate. The Committee had no doubt of it, because, after the things that have been di-

vulged on this floor in the last few weeks, we thought the Legislature was about ready for some action of this kind, and we have therefore brought in the proposed amendment to the Constitution.

Now this proposed amendment simply takes the matter of the election of the Treasurer out of the hands of the Legislature and puts it in the hands of what I consider a responsible head. If anything goes wrong in the Treasury of State, if this amendment is adopted by the people, then we shall know where to look for curing things when they go amiss. If it is in the hands of the Legislature, no one is responsible for the Treasurer if he does not do his job. If it is in the hands of the Governor or the Commissioner of Finance, all of us will know where to put the responsibility if everything is not all right. That is what this Committee is trying to do by this proposed amendment. We do not believe that it should be left in politics any longer.

The Treasurer of State is an important office, and I think every member of this Legislature wants to see that we get a man who is qualified for that position. Now it does not necessarily follow, of course, that if the Governor or the Commissioner of Finance appoints a Treasurer, that you will get the best man, but the chances are better that you will have such a man.

I will tell you frankly, when I came down here at the first of the last regular session and the name of Belmont Smith was proposed as Treasurer of State, I had never heard of Belmont Smith, I did not know what his qualifications were, and that is true, I think, of a large number of the members of this Legislature. We do not know the qualifications of the men we vote for, and consequently we do not get the proper man in many cases. I am saying nothing whatever at this time about Belmont Smith, but that is true to a large extent. We are trying to correct such a situation as that. I agree with the gentleman from Portland, Mr. Payson, when he says that there is some funny business going on in this Legislature. That is the extent of my remarks in that regard—"funny business."

I will say that Brother Gillin, who apparently at the present time is lobbying against this measure, appeared before Committee, or certain members of this Committee, in the office of the Revisor of Statutes, and

went over the matter, in what was apparently a friendly manner, trying to help the situation, and trying to get us to present a Bill which would meet with the approval of this body, and apparently he was doing that with a helpful purpose. I have since discovered that Mr. Gillin is lobbying against the Bill that he apparently was befriending a short time ago, and it is my belief that he is doing it for one sole purpose, and that is to keep his client in office just as long as possible, because he knows that if the people adopt this amendment, then his client certainly will be out of office.

Now, as I say I have no brief for or against Mr. Smith. He is personally friendly to me, but I do say to you that I do not like that kind of business, and I do not think that the members of this Legislature like it. I, for one, want to get it out of politics, because I have no interest in politics in an office like that, therefore I hope that this amendment will be adopted and the Resolve receive passage.

Mr. FARWELL of Unity: Mr. Speaker and members of the House: When we sat up this so-called Administrative Code Committee, it was the purpose of that Committee and the thought of that Committee to study the various administrative offices and the statutory law pertaining to the same in the State of Maine. We have devoted a great deal of time to this and very carefully considered various matters in regard to the same, and we saw what we believed to be the necessity that we should, at this session of the Legislature, recommend some change in the financial part of our State government, namely that of the State Treasurer. I felt at that time that the people of the State of Maine demanded of this Legislature some change in the office of State Treasurer, whereby the Treasurer of the State of Maine could be held responsible to some man and not to the entire State, and there was no responsibility placed upon the office of Treasurer under your present set-up. Under your Code there were conflicting duties with that of the constitutional provisions of the office of State Treasurer.

We are offering to you at this time only a constitutional amendment whereby you may put this in front of the people of the State of Maine, that they may tell this Leg-

islature whether or not they want the new set-up in the State Treasurer's office. We will, at some time in the future, offer a Bill setting up a Department of Treasury, but this Bill that we are considering tonight is merely a constitutional amendment that we are submitting to the people, asking them, "Are you satisfied with the State Treasury set-up at the present time?" And, if they tell us "yes," then we will offer no other Bill, and if they tell us "no," then we are prepared to offer a Bill to this Legislature for their consideration, that we may give the people of the State of Maine what they want, and that we may definitely place the responsibility of the State Treasurer on somebody in the State who may say to him "you are or you are not doing your duty." And I defy anybody on the floor of the House to show me where the responsibility for the Treasurer of the State of Maine now rests unless it is in this Legislature, and I do not see that the State Treasurer is held accountable to us for anything that might be done under the provisions that now exist. Your Code Committee is recommending to you their honest convictions, after a great deal of study, as to the best set-up for the State Treasury, and we ask you to give us a chance to submit it to the people and let them tell you whether or not they are satisfied at the present time. (Applause)

Mr. MARSHALL of Auburn: Mr. Speaker, I want to be not guilty of the charge that has been made by one of the previous speakers that anyone who took the opposite view of this situation was guilty of skullduggery. I am here to say what I think on any particular piece of legislation, and the mere fact that anyone on the floor of this House is rooting for it does not interfere with my rights to state to this body my convictions.

To show you that I am acting in good faith, I will say that I interviewed the Senator from Portland, Senator Laughlin, to find out in exactly what shape she felt this Bill should be in before it was submitted to the people in September, and I learned that she wanted this particular amendment, Senate Amendment "B", to the Bill, and she told me that any other amendment to the Bill would sabotage it. And I told the Senator from Cumberland

that I would help and vote for Senate Amendment "B" to this Bill in order that this issue will be clearly before the people in September, if we submit the matter to the people in that month.

Now any other amendment that has been adopted, as I understand, would interfere with the efficacy of the Bill.

Now I am not for any other amendment, but I am for this amendment, to keep my faith with Senator Laughlin. But, after this amendment has been offered and accepted by this body, I am against the whole business and I will tell you why.

In the first place, this legislation is aimed to correct something, but what does it correct? It abolishes the office of State Treasurer. I am for that. We apparently do not need a State Treasurer. But in the next breath they tell us we do need a State Treasurer, and that we are going to have some kind of legislation later on proposed to us to get it, and we already have it on our desks today. How are we going to get it? Through the automatic automatic.

I am reminded of the man who ate sixteen steaks for dinner, and the waitress said to him, "My good man, you must love food." "No," he said, "I like barcarbonate of soda," (laughter) because the Legislature here is surrendering its right and privilege to select a State official to the Commissioner of Finance of the State, who is appointed by the Governor and Council.

Now all through the Belmont Smith hearing—and I heard the testimony, at least the most of it, and I was about sick when we got through with it, but all through that hearing the charge was being made that a certain Mr. Runnells, who was found one day some distance away from the State House with a little brown bag with a lot of money in it and later was charged with crime, and the charge was made that he dominated the whole structure of this edifice and all the offices in it. And you are doing the same thing on this Bill today that was allegedly charged against Mr. Runnells in that set-up before this scandal previous to our coming here.

Now what do you do? You set up a Finance Commissioner appointed by the Governor and Council. I have no quarrel with the

present Finance Commissioner; he is a very honorable and splendid man. I do not know how long he may be there; he may accept some more lucrative financial position. But, whoever he may be, he appoints the State Treasurer. Show me how Mr. Runnells enjoyed any more protection than that which is given by this new set-up proposed to us under this whole scheme!

Now then, if we want a good State Treasurer, I have got an idea of how we can get one. We can amend the Constitution of the State of Maine, and we can say that the Treasurer of the State of Maine shall have certain qualifications to make him eligible for the position. We can say that he shall have spent so many years as an officer in a savings bank or trust company or national bank in our State, that he shall have had experience in the investment of trust funds, that he shall have attained a certain age, and that he shall have no record of having broken the laws of this State or any other State; that he can serve as long as he maintains himself in good behavior, and that he shall receive sufficient wages for the task and duties that he has to perform. Why does not that solve the whole thing, and you have not got to worry in this Bill about what his qualifications shall be, but the Commissioner of Finance can name anybody in the State of Maine, even the man who was last excused from State Prison in Thomaston, for this job.

I do not care what Mr. Gillin is up to. I met him in the corridor and he never said a word to me. But I am not going to be pushed down in my seat and have this thing hauled down over my ears with the charge that somebody was lobbying down here. That is nothing new. There is lobbying everywhere but that does not stop me, because I am interested in this legislation and in having legislation so that we can get a good State Treasurer.

As far as Belmont Smith is concerned, I owe him no fealty. He was as friendly with me as anyone in this Legislature; I do not want to go into that feature of him. As far as Belmont Smith is concerned, his task and duties will be ended the 31st day of December of this year, and you people who are coming back here will decide who you

are going to have after that. I understand he is not even a candidate. You will have the say of who you want.

There is one other thing I want to say: In the other end of this building, at the far end of the corridor, a man told me "Why, you people over there in the Legislature ought to make this change because the people of the Legislature do not know enough to get good men for State jobs." That may be true, Mr. Speaker and members of the House, but I will be darned if I am going to admit it. (Applause)

Now we are going to be in session tomorrow. I am going to ask for a division on this particular issue. I told Senator Laughlin, and I believe she will agree with me now, that I am willing to have this thing set up with her amendment attached to it. I haven't even whispered or lobbied or asked anyone how to vote on this particular matter, but I am concerned about it, and I am concerned in the way in which it comes about. I do not distrust anybody in any way, shape or manner, but when anybody thinks I am going to sit down in my seat and take something because somebody is lobbying here, that doesn't go with me, and I am going to ask, when we get ready to vote on this thing, that we adopt Senate Amendment "B" and that we defeat the reference of this charge, and tomorrow, if I am here, I will propose an amendment to the Constitution setting up the eligibility and qualifications of the man to be Treasurer of the State of Maine, with no tenure of office except good behavior and a reasonable salary. And what more ought we to have for a man in the State Treasurer's office? But he should not be under the domination of the one man who is really the Manager of the State of Maine, the Commissioner of Finance. I believe the office of Treasurer of the State of Maine, under our present set-up, should be independent, and I say, "Keep him here and use good judgment in your selection." (Applause)

Mr. GOOD of Monticello: Mr. Speaker, I feel practically the same as my brother over here. I have been reluctant to say anything during this special session. I feel that this Committee has been honest and conscientious in trying to work out something to help us out of this

terrible situation that we have been in. I am opposed to any such amendment to the Constitution. Why should we come in here at a special session and revamp or amend the Constitution of the State of Maine? We have seen what has been done in Washington for the last few years in trying to amend the Constitution and there has been a great scrap over it. Why should we try to amend our Constitution now? I do not feel that a special session is any time to do that. I do not think that it is right or fair.

Now they talk about taking politics out of it. You might as well try to take the water out of the Penobscot River as to take politics out of State government today. They talk about the responsibility resting on someone. The responsibility rests on the Legislature. We had a hearing a few weeks ago to tell the people and tell the Treasurer of the State of Maine how we felt about that matter. I feel, as to a Commissioner of Finance, if we could get the right man, I see merit in the Bill, but as to taking politics out of it, that cannot be done, members, in this day and age. Therefore I am opposed to it and I ask the indefinite postponement of this Bill.

Mr. BIRD of Rockland: Mr. Speaker and members of the House, I think this is a matter of so much importance that it is not for us to say whether or not there shall be a Constitutional amendment. We want the opportunity to present it to the people. I am a member of the Code Committee and we have given it a great deal of study. If you think our judgment is no good, do not support the bill. We are not saying we should have the Constitutional amendment. We are saying here if we vote for this Bill; we are saying that the people ought to vote upon it. Let the people vote on it and if they do want it, let them tell us so. If they do not want it, that ends it. There is nothing in this Bill as to whether or not if the Constitution is amended it is going to go to the Finance Commissioner. It is just to determine if this Constitutional amendment shall be made. Then we can take the next question up when we come to it, step by step. I say that we are not the only ones involved. The citizens of the State are involved and they should have an opportunity to vote upon it. If they say no, that ends it. Let's give them an opportunity.

Mr. BROWN of Caribou: Mr. Speaker, it may be true what some previous speaker said that there is lobbying going on in the halls and skullduggery, but no lobbyist has approached me on either side of the question. The thoughts which I have are my own and I would like to take the pleasure of expressing them. I am not unalterably opposed to this Bill but I do not believe, in a special session, at this late hour, that we should be called upon to vote upon as important a question as changing the Constitution, or one part of the Constitution which has existed for one hundred and twenty years, and expect us in half an hour to give it the careful consideration which we should give to any Bill which we pass on to the people with our recommendation, because when we pass it, if we pass it at all, it must be by two-thirds, and we are saying that we are in favor of these changes. We have no right to say that we are in favor of it until we have had time to consider it and to discuss it and give it more study than we have on this occasion. I believe a regular session of the Legislature could properly take this up but not at a special session.

Like my colleague here, who expressed himself much more forcefully and eloquently than I can do, I am not in favor of surrendering the rights of the people to a centralized form of government. You will always have politics in government as long as you have a Democratic form of government. When you cease to have politics in government, you will have a totalitarian government and dictatorship. The totalitarian states in Europe continued to give away more and more of their rights until they had given them all away. We have gone a long ways along that road in the Federal Government of the United States, and we Republicans are opposed to that centralized power in the Federal Government and I, for one, am opposed to centralized power in the State House.

There is no more reason why we should delegate the right to name the Treasurer to any one man than there is to delegate the right to pick all State officers. Why not delegate to the Governor and Council the right to pick the Secretary of State, the Commissioner of Agriculture and other officials that are now elected by the Legislature? Until such time as we have

had time to discuss this matter in a regular session, I shall oppose the Bill. Therefore when the time comes, I will vote against the Bill.

Mr. BUZZELL of Belfast: Mr. Speaker and members of the House: It was not my purpose to say anything on this Bill, but since someone has said a word or two about lobbys in the Legislature, and having had some experience in 1917, I was surprised to think that there was such a thing in our midst as a lobbyist. Why, any one of us who has arrived at the age of maturity knows that we have had lobbyists in the Legislature ever since the Legislature began.

They neither eat nor sleep when they can work to advantage and we all know it. But there are, I trust, enough of us that do not permit that to warp our judgment. At the present time, as I understand it, this Legislature has batted five hundred per cent. We have tried the Treasurer of State and killed the Deputy Treasurer of State. Isn't that enough? Don't you feel you have done pretty good? You haven't even sent flowers to the family. You know what I mean, every one of you.

Now it seems to me that you want to amend the Constitution. I want to pay a word of tribute to both of these Committees. They have worked hard and they have worked well. They have done their best and much good is going to come out of their recommendations. But after the Legislature elected the Treasurer of State and he assumed his duties, it appears that the Controller's office was about forty-two feet and eight inches from the Treasurer of State's office, and under that condition we all know who got away with about \$157,000 pretty successfully. I am in favor of keeping the control of the appointment of the Secretary of State and the Commissioner of Finance and the appointing powers just as far from one another as I can and they will get together soon enough probably then. (Laughter).

It has been whispered from over on the other end of the Capitol that it was the judgment there that the Commissioner of Finance should have the appointment of the Treasurer of State. Now I do not agree with them, because the Commissioner of Finance would appoint the Treasurer of State and the Treasurer would feel as if he ought to be

favorable to him and then they might get away with still more money. I am not in favor of this Bill or the appointment of the Treasurer of State in any such way. I want to go hand in hand with the gentleman from Auburn, Mr. Marshall. I do not care how much you amend the Constitution, that is all right, but put a qualifying clause in there, that the Treasurer of State shall be such and such a kind of man.

We tried Belmont Smith here and did not find evidence enough to create a finger of suspicion pointing at him, and now we are getting at him again in the third inning of the third special session, and I do not think it seems just right. We exonerated him and he is now serving as Treasurer of State. Now Belmont Smith means nothing to me. Other friends that might be lobbying here are just friends, but their ideas mean nothing to me. I am in favor of the amendment. I would like to see it tacked on there solidly and then I will vote to indefinitely postpone the whole thing.

Mr. GRUA of Livermore Falls: Mr. Speaker, as a member of this Code Committee who studied this matter and submitted these things to you for your consideration, I feel that I probably ought to add my voice to what has been said in regard to it. I hope we do not get confused here and feel that we are trying some Treasurer of State for his misconduct or that we are passing on the method by which the Treasurer of State shall be appointed or any of those various things. I would like you to understand that we are simply asking: "Would it not be wise for us, in view of what happened at Augusta, to submit to the people of the State of Maine a chance to vote on the amendment to the Constitution, as to whether or not the Treasurer shall be taken out of the Constitution and the Treasurer appointed in some other way?" Have we, as Representatives, the right to deny our constituents the right to vote on such a proposition? We are not, in our voting, saying that two-thirds of us think it is a good thing. We are saying by our vote that we believe the people ought to have a chance to express themselves on this proposition and we are giving it to them.

Now I would like to say just a

word or two about the merits of this thing. We all know that if this is left to the Legislature there is no question but what it would be a political appointment. It will almost be impossible to get a man appointed politically in that manner who will be fully qualified, without hiring an assistant who is skilled in that particular kind of work. That means employing two individuals. Our proposition is to employ one man fully skilled to do the work, doing away with the Deputy, offering a salary sufficient to attract to the office applicants who are really qualified and really good men to act as Treasurer.

You know of course that we cannot legislate good men into office, but we can make a set-up for this office which will enable a good man at the head of the Finance Commission to function in the best possible manner. That is what we are proposing to do. Assuming we have a good head of the Finance Commission, can you imagine him appointing a subordinate to run his department and do it by appointing a man who is disqualified and who is not fit for the job? Can you imagine anybody in the State of Maine who would be more interested in having a man in that position that knew how to do his job than the Commissioner of Finance who is the immediate superior to that particular individual?

We have heard a great deal of complaint about leaving the appointing power in one man. Let me call your attention to the fact that the Commissioner of Finance already appoints the head of the Bureau of Accounts and Control, the Purchasing Agent and the Assessor. They are under him now. He should have the appointing power of his subordinates. It seems simple business sense to say that the man at the head of a department shall have some control over the men under him. It doesn't seem right that he shall take whoever is sent to him by the Legislature or the Governor or whoever it may be. It is just common sense to me.

Now if we could offer a man a job paying six thousand dollars a year and a job that would tell him that as long as he did it properly he could expect to keep his job, don't you see it would attract applicants for the job who would be men of ability? But if we say here is a job paying three thousand dollars, you

may be kicked out in two years, it is hard to get good men for the job.

One more thing; I didn't know the Treasurer from anybody else when I came here. I asked some of the older members, "Who are you going to vote for?" Now two-thirds of the next Legislature will be fellows who have not been here this time. How are they to know about the qualifications of the man? How are they qualified to vote intelligently for a Treasurer of State? It is well enough to say that the man shall have some of these qualifications, but wouldn't it be better to put the burden on one individual and let him appoint that man than it would to take a man who has been out campaigning for the job? A man of ability will not spend his time campaigning for that kind of a job.

Now we have tried to set up in this Bureau of the Treasury, if it is so set up, a provision that the Treasurer of State shall be made responsible for all the collections. That is, everything that accrues to the State of Maine shall be collected through the Treasurer of State and he would be made responsible for it. We have taken the testimony of a great many individuals and they have assured us that there will be a saving from five to ten thousand dollars a year which is now lost to the State of Maine. We feel that there should be one individual to whom we could point and say, "Why hasn't this particular thing been collected? You tell us". Then he could not pass the buck on to somebody else and say, "I didn't think it was my job."

Now this Committee was appointed for this particular job of studying this Code to give you something to help, if possible, the situation. We found ourselves in this particular situation because we happened to be unfortunate enough to have a strong-minded man, not as Commissioner of Finance, but as Controller. We have given you here our best thought and our best judgment. If this does not meet with your approval, if it is not good enough so you want to pass it on to the people back home to vote on it, then it seems that your Code Committee is quite useless. It is quite useless for us to continue in the next Legislature. We are your Committee. We have done this for you. We have tried to be honest.

I would like to call this to your

attention: When the original survey was made, it was decided that the Bureau of the Treasury should not be under the Commissioner of Finance; that there should be a Constitutional amendment made dispensing with the Treasurer as a Constitutional officer. In this chart he sets up, among other things, what should be under the Commissioner of Finance, and among them he lists the Treasurer. He has a great deal to say about it in his report about putting that officer under the Commissioner of Finance. I think I have said enough. If there are any questions I would try to answer them.

Mr. POULIN of Waterville: Mr. Speaker and members of the House: Being the only member of the Minority Party on the Committee to study the Administrative Code, and having signed the unanimous report that was submitted to this Legislature, on last Monday, July 22nd, I feel that I must, of necessity, in defending my position, also say a few words in defense of the legislation that we are now proposing.

During the days that we have spent in session here in Augusta, interviewing a large number of officers here in the State building, taking testimony, and studying the various functions that we are now trying to reform, I came to the conclusion, after contemplating what transpired, and particularly after the scandalous affairs that we discovered here during the past four months—I came to the conclusion that some changes had to be made. I might say that now I am speaking as an individual, and I believe that it reflects the feeling of the entire Committee as well, when I say that I came to the conclusion that some changes had to be made.

Without setting definitely on any course as to what these changes should be, I felt that the first thing that ought to be done was to have the office of the Treasurer of State and other offices pertaining to the finances of the State coordinated under one head, and that the Constitution should be amended to allow this Legislature or any succeeding Legislature to make any changes that might be necessary in order to reform that situation, so that this Department will function in a better way than it has in the past.

I think that this Committee submitted this Report honestly and sincerely, and I do not believe that anybody in this House would doubt that. In proposing this amendment to the Constitution, we are not telling the members of this House how the Treasurer of State should be appointed or what his duties shall be. We are merely saying this: It is apparent from the testimony, and it is apparent from what has happened, that changes are necessary. I think everybody has agreed to that in the past, and I think everybody is going to agree to that now. And the first thing that must be done, in order to make any changes, is to amend the Constitution and allow this Legislature to make such changes as may become necessary in the future.

Now there has been some talk about the Finance Commissioner appointing the Treasurer of State. There has been some talk about the Governor appointing the Treasurer of State. As far as I know, this proposed amendment does not say anything about that. We are merely expressing the thought that in view of what has occurred, and in view of the fact that the members of the Committee uniformly felt that some changes were necessary, that the people of the State of Maine whom we represent here, and whom we are trying to represent honestly and sincerely, should be given a chance to express their views as to whether or not this change should be made.

When this Recess Committee to study the Administrative Code was appointed, and also the Investigating Committee, I might say those Committees were appointed in the face of what had occurred. All the members were up in arms. Everybody felt that something should be done. But when it comes time to do it, for some reason, we seek to dilly-dally around the corridors—I am not talking about lobbying—I mean just loafing around here and there and not doing anything. I feel—and I think I am sincere when I say—that I think the people of the State of Maine should have a chance to express themselves, that they should tell us that we are here to represent the people, and if they want that change that they should have a chance to say so, and, being here, you represent the people, and succeeding Legislatures will have an opportunity to pass such legislation

as will meet with their approval. (Applause)

Mr. McGLAUFN of Portland: Mr. Speaker, up until this evening it had been my intention and expectation to vote for this measure, but I have been greatly impressed by the argument put up by the gentleman from Auburn, Mr. Marshall.

I have great respect for the Committee that has prepared this Bill. I think they have done a wonderful job in their investigation. But we are now proposing a constitutional amendment. I am not impressed with the argument that we have got to submit something to the people, whether or not it meets our approval. I want to know that the Bill that goes before the people meets with my approval before I vote for it. I wish it were possible that this matter could be given further consideration as to the wording of the proposed amendment. I think that the argument put up by the gentleman from Auburn, Mr. Marshall, is worthy of consideration.

Mr. MacNICHOL of Eastport: Mr. Speaker. I really do not feel that I need to say anything upon the Bill at this time, but I do wish to make this comment: I cannot help but be amused at the number of Honorable gentlemen who have risen here tonight and told us that we should submit to the people this constitutional change, when this morning we had an opportunity to submit to the people, the very same people, a constitutional amendment, and they thought we were not wise enough at that time to know whether we should have a Governor's Council or not, but now you want to submit to the people this Resolve to change the Constitution as to now the State Treasurer shall be elected. Such a reversal, a comical reversal, I think would interest most anybody.

Mr. HILDRETH of Cumberland: Mr. Speaker and members of the House: It is with great reluctance that I make these few comments, because I have so much confidence in the Committee and I cannot help but be greatly impressed by the arguments that have been made tonight by the gentleman from Auburn, Mr. Marshall, and by the gentleman from Belfast, Mr. Buzzell, and by some of the other gentlemen.

I do want to say that a lobbyist is a new creature to me. Nobody

has spoken to me about this Bill in any way whatsoever. I cannot help but believe that I am as much interested in politics and the Constitution as the average person, or possibly I would not be here, and I cannot quite understand how we can go before the people asking them to take out a constitutional provision, and, as I understand it, simply giving us a blank check as to what we are going to do after we have taken something away that is provided by the Constitution. It does not seem to me that the evidence on this matter has been thoroughly thought through.

Mr. LAMBERT of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, moves the previous question. In order for the Chair to entertain this motion, it requires the affirmative vote of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question 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 more than one-third of the members having arisen, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? Is it the pleasure of the House that the main question be put now? All those in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had. Forty-five having voted in the affirmative and 31 in the negative, the motion prevailed, and the main question was ordered.

The SPEAKER: Does the Chair understand from the gentleman from Auburn, Mr. Marshall, that he wishes the motion divided so that the House can vote separately on the amendment and on the main question?

Mr. MARSHALL: Mr. Speaker, on the amendment I have no desire to have a division. We are now considering the amendment.

The SPEAKER: The Chair will state that the question is on whether the House shall recede and

concur with the Senate. The Chair will first put the question of the House receding from its former action, and then the amendment—

Mr. MARSHALL: I do not desire a division, Mr. Speaker.

The SPEAKER: The Chair will divide the question. The first question is: Will the House recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A"? Is this the pleasure of the House.

Thereupon, the motion prevailed and the House voted to recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A".

The SPEAKER: The second question is: Will the House adopt Senate Amendment "B" in concurrence? Is this the pleasure of the House?

The motion prevailed, and Senate Amendment "B" was adopted in concurrence.

The SPEAKER: The question now is, shall the Bill be passed to be engrossed, as amended by Senate Amendment "B", in concurrence? The gentleman from Monticello, Mr. Good, moves that the Bill be indefinitely postponed. The question before the House is on the motion of the gentleman from Monticello, Mr. Good, that the Bill be indefinitely postponed.

Mr. COWAN: Mr. Speaker, is the question debatable?

The SPEAKER: The vote taken on the previous question was whether or not the vote shall be taken now on the main question, therefore all motions follow without debate.

The Chair understands the gentleman from Auburn (Mr. Marshall) wishes a division on the motion for indefinite postponement of the Bill.

Mr. MARSHALL: Yes, Mr. Speaker.

The SPEAKER: All those in favor of the indefinite postponement of the Bill 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.

Fifty having voted in the affirmative and 39 in the negative, the motion prevailed and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

**Paper from the Senate
(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. 1260) which was passed to be enacted in the House yesterday, and which was recalled to the Senate by Joint Order.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House that the House recede from its former action whereby it passed this Bill to be enacted and that the Bill be indefinitely postponed in concurrence with the Senate?

Mr. HINMAN of Skowhegan: Mr. Speaker, I have no particular desire to retard the speedy manner in which this particular Bill may be handled, but it is my understanding that there is a decided difference in the Committee and a feeling, on the part of at least one member of the Committee, that he would like to get together and discuss the recalling of this act with the Committee. There is no engrossment involved, and, unless there is some serious objection, we have got to come back here tomorrow morning anyway, and I would like very much, in order that the Committee may be fully satisfied, to have the Bill tabled until tomorrow morning, and I so move.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that Bill "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. 1260) be laid on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Mr. WEATHERBEE of Lincoln: Mr. Speaker, I wish to present an Order, out of order, and move its passage. In fact, Mr. Speaker, I would like to present three Orders, and, with the permission of the Chair, have those three Orders read before action is taken on one of them.

The SPEAKER: If there is no objection by the House, the Clerk

will read the three Orders at this time.

The three Orders were read by the Clerk, as follows:

WHEREAS, the Special Joint Legislative Investigating Committee, Created by Joint Order, H. P. 2254, has reported certain derelictions of duty on the part of Burtis F. Fowler, a member of the State Police,

NOW THEREFORE BE IT ORDERED, the Senate concurring, that the Chief of the State Highway Police be and hereby is directed to forthwith instigate proceedings leading to trial by court martial in accordance with State Police department regulations of the said Burtis F. Fowler.

WHEREAS, the Special Joint Legislative Investigating Committee, Created by Joint Order, H. P. No. 2254, has reported certain derelictions of duty on the part of Mrs. Agnes Faulkner, an employee of the Department of State,

NOW THEREFORE BE IT ORDERED, the Senate concurring, that the Secretary of State be directed forthwith to conduct such investigation as he may deem necessary in order to determine whether or not her dismissal from service of the State is justified.

WHEREAS, the Special Joint Legislative Investigating Committee, Created by Joint Order, H. P. No. 2254, has reported certain derelictions of duty on the part of Major John W. Healy, Chief of the Maine State Police,

NOW THEREFORE BE IT ORDERED, the Senate concurring, that the Governor and Council be directed to forthwith grant to said John W. Healy a hearing to determine whether or not he should not be removed from the office of Chief of State Police.

Mr. WEATHERBEE: Mr. Speaker, I feel that this is a particularly painful duty, but one which I feel bound to put into execution. I am not, and I never have been, a witch-hunter. I do not enjoy pointing the finger of accusation at my fellow-men; I am not one of those, I hope, who likes to say things to the embarrassment of his fellow-members of the Legislature so that he can see his name in the newspapers. I am not going to shout "Whitewash", because I do not think a single

member of this House has attempted to do anything in the nature of whitewash. I have never seen one bit of evidence of whitewash on the part of my fellow members of this Legislature, and I do not intend to insinuate or suggest there will be any.

I have often wondered on other occasions just why my people sent me as their representative to this Legislature, but, on this occasion, ladies and gentlemen, I believe that I know what they expect me to do. I believe that the people whom I represent have actually seen the very foundations of good democratic government in this State shaken in the past month, and I do not mean to exaggerate the situation which has just taken place. It is not necessary to exaggerate it, because you all know it has certainly shaken the foundation of some of the good people of the State of Maine.

When this Legislature came here a few weeks ago and created our legislative Investigating Committee, we did so with the knowledge that the public trust was almost wholly in us, and I believe that public trust was doubled when that Committee of ours returned a few days ago with a report that showed a vigorous and honest and fearless investigation which I believe to be a tribute to the very principles of democratic government, as I understand it, and I have been thinking this matter over very seriously all day long and all the evening—and that accounts for my lateness in introducing this Order, because the conclusion came to me very slowly, and I was reluctant to accept it.

As I understand, this Report was made to us, the members of this Legislature. It was not made to the Governor and Council, it was not made to the Judiciary, or to the courts, it was made to us and we are, as a result of this Report, in possession of information which indicates certain misconduct on the part of at least three trusted employees of the State of Maine. And I do not feel that I am willing to go home, in view of the fact that we have the printed testimony showing that misconduct or at least indicating that misconduct, I do not feel I am willing to go home until this Legislature has taken some steps to put into action the machinery which should determine whether or not those employees are guilty of misconduct, and, if so,

whether or not their service to the State should be terminated.

I am going to refer to these cases. The first is the case of Agnes Faulkner—and I want the members of the House to know that it is with the greatest of reluctance that I refer to this lady by name or that I must refer to her at all, and I apologize for the possible discourtesy in doing it. I know she is apparently a very efficient employee of this State and has been so for years, and I have, in my brief legislative experience, seen plenty of evidence of her efficiency and her generous assistance to the members of this Legislature. But her own testimony shows that she knew of irregularities in the Auburn Registration Office. If she knew that O'Donnell was taking the State's money, which apparently she did, in some of the cases at least, and she did not take steps to correct that situation, is she not responsible for this laxity and carelessness that resulted in the situation that brings us here today?

The second is the case of Burtis Fowler. You will recall hearing the Clerk of this House reading from the legislative report excerpts from Mr. Fowler's own testimony. If Mr. Burtis Fowler accepted fifty dollars from this man Burns while he was performing his duty as an officer of the State of Maine, he has the burden of explaining to his superiors his conduct, and, as I understand it, he has not been able to do so. If he took ten dollars from a man who was facing a hearing on the revocation of his license, then he has the duty of explaining his conduct, or he should be removed. And if he used State employees to operate his gasoline tanks in a sort of tricky set-up, then it is his duty to explain his conduct, and I believe that he should be called upon to do so.

Then the third Order is in the case of Major Healy. I do not think I have seen Major Healy, but I understand that he is a very excellent gentleman, and he should be a very excellent gentleman, because he is at the head of one of the most important law enforcement agencies in the State of Maine. But if Major Healy knew that Burtis Fowler accepted fifty dollars from this man Burns, and if Major Healy called that fifty dollars "hot money," as his own testimony showed he did, and if he took that fifty dollars from Inspector Burtis

Fowler, an officer subject to his control, if he took that fifty dollars, which he considered "too hot money," from Burtis Fowler and kept it for Burtis Fowler without seeing to it that Mr. Fowler was ever reprimanded or the money sent back or something done to cure that perfectly amazing situation, then I say it is the strangest conduct that I ever heard of from the head of a law enforcement agency.

I hope that Major Healy can explain that conduct, because, as I say, he is a very fine gentleman, but it is his duty, in my mind, to explain that conduct, and if he cannot explain it—and if you will read the testimony given before the Committee you will see that he has not explained it—if he cannot explain it, he should not be at the head of this important law enforcement agency. It is the most wierd and amazing conduct that I have ever seen, and I cannot understand how it could have taken place.

Now perhaps Mr. Robie has already investigated the amazing conduct of his private employee, and I hope he has, because I feel that if I were in his steps I would not let five minutes elapse before I would start investigating it.

Perhaps Mr. Healy has already considered taking action against Mr. Fowler, and, in fairness to him, I will say I understand he is considering such action. But it is not satisfactory to us simply to know that it is being considered; we want to know that action is going to take place before we leave the halls of this Legislature.

Perhaps the Chief Executive of our State has already considered the conduct of Major Healy, and I want to assure this House that it is not my intention to suggest in any way by this Order that our Chief Executive does not intend to do his duty, but I believe it is the duty of this Legislature, having had this information come to it, to see to it, before we leave, that these superior officers take the necessary steps to thoroughly determine whether the conduct which has been brought to our attention on the part of these State employees is the sort of conduct which would justify their dismissal.

You will notice that this Order which I have introduced does not call for the dismissal of these people in question, these people whose names I have reluctantly been

forced to call. This Order calls for an investigation to determine whether or not their dismissal is justified. If it is not justified, then it is regrettable that they should have been in any way embarrassed in this matter. But their own testimony—and it is upon that testimony that I am relying—their own testimony suggests misconduct upon their part, and if they are guilty of this laxness and this misconduct, then they do not deserve to serve the trusting people of this State.

A few hours ago, the gentleman from Weston, my friend, Mr. Bubar, told us that he overheard two girls who are in the employ of the State of Maine make the remark that the members of the Legislature were "punks." Well, I am sorry, if they feel that way about the members of this Legislature. I do not think the members of this Legislature are "punks." I think they are just average men and women. Perhaps they are a little too trusting. Certainly they are very tolerant, and possibly they move with the liesurely movement of Democracy, but when the men and women of this Legislature find those very foundations of Democracy threatened by the indifference of these employees to their trust, I believe that the members of this Legislature will act and act very definitely, and act without sparing one single person who is unfaithful to that trust. And, if our Investigating Committee continues its work, as I certainly hope that it will be able to do, if it later reports any other misconduct on the part of other State employees, I believe we should come back here and immediately start in motion the machinery which will, if they are guilty, remove them too.

I want to say in closing that one of the things I feel most seriously about and which I have felt most seriously about all through the course of this investigation of the so-called Runnells matter and its aftermath, I feel that nothing will be gained by hysterical screaming or by any wild accusations or by any cheap insinuations against public officials, many of which, as you know, have been made in the past against sincere public officials. Too many people have lost their heads and have unfairly accused and unfairly injured by insinuations public officials who have done their duty. But I feel it is our duty, and I can-

not see it in any other way, inasmuch as this Report has been made to us and we have in our possession the testimony of the parties in question, which indicates, to me, at least, the possibility of serious misconduct upon their part — and I do not care who those people are, men or women, friends or strangers, if anybody was guilty of that misconduct, then they do not deserve to serve the people of the State of Maine, and I believe that the best progress which we can make is to come here, upon the Report made to us by the members of this Investigating Committee, and to come here upon any further Report made by this Investigating Committee, and dispassionately, quietly, without any hatred or malice toward any person, and with honesty and dignity, follow up every bit of evidence which this Investigating Committee of ours has presented, every bit of evidence as to any misconduct upon the part of any employee of the State of Maine. (Applause)

The SPEAKER: The question is on the motion of the gentleman from Lincoln, Mr. Weatherbee, that the Order relating to Burtis F. Fowler, have passage. Is the House ready for the question? 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, and was sent up for concurrence.

The SPEAKER: The question now before the House is on the Order of the gentleman from Lincoln, Mr. Weatherbee, relating to Mrs. Agnes Faulkner. Is the House ready for the question? 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 and was sent up for concurrence.

The SPEAKER: The question now before the House is on the Order presented by the gentleman from Lincoln, Mr. Weatherbee, relating to Major John W. Healy.

Mr. MAXIM of Portland: Mr. Speaker, I want to differ from the last speaker in regard to his reference to the witch-hound. I do not object to the basis of these Orders. The first one is carrying out the recommendations in a sense, in a

little different sense, but essentially the recommendations of our Special Investigating Committee.

The second one I am willing to go along with, although it does not conform to the recommendations of the Special Investigating Committee, but I want to point out to this House what seems to me the ridiculousness of this third Order. We just passed an Order under which the Chief of the State Police would be required to Court Martial or grant a hearing to Mr. Fowler with the idea of disciplining or discharging him. Almost in the same breath we order the Governor and Council to Court Martial or grant a hearing to the man who, in turn, is going to Court Martial or grant a hearing to his subordinate. It is a ridiculous situation. If the Chief of Police is of such a character that he is the object of a Court Martial on his own account, he certainly is not to be entrusted to Court Martial his own subordinate.

I do not wish to reflect on the intelligence or good intent of the gentleman from Lincoln (Mr. Weatherbee), but I cannot refrain from saying this: I think it is a case of muddled thinking. I cannot understand the contradictory nature of these two Orders. If the gentleman from Lincoln (Mr. Weatherbee) wishes to refer to the Governor and Council the evidence, such evidence as is contained in this Report of the Special Investigating Committee, if he will consent to that, I will agree with that.

This afternoon in the House an Order came in from the gentleman from Eastport (Mr. MacNichol) directing the Governor to discharge the Chief of the State Police. We debated that Order at length and it was the reasoned opinion of this House that it was not the proper procedure. Just a few hours later a similar Order, with somewhat different wording, comes in here ordering the Governor to do the same thing that this afternoon we refused to do. The man who authors this Order couples it with the paradoxical Order that two investigations will be held. The man who does the Court Martials in the one instance is being Court Martialed himself. I submit it is a ridiculous situation. I think the Order should be killed, as it is in its present form. For that reason, I move the indefinite postponement of the Order, with the understanding if the gentleman, later

in the evening, or tomorrow wishes to make recommendations, I will not object to that.

Mr. WEATHERBEE: Mr. Speaker, I do not understand that my Order was very much different from the suggestion which the gentleman from Portland, Mr. Maxim, made. The matter is being referred to the Chief Executive and his Council for action. As I remember the Order it does not call for the dismissal of the Chief of the State Police, but that the Governor and Council investigate the conditions and decide whether or not it justifies dismissal.

I realize on the face of it, it may seem an incongruous situation. I have asked the Chief of the State Police to commence Court Martial proceedings against an officer, and then almost in the same breath have asked the Chief Executive to make an investigation of the conduct of the Chief of the State Police. I have considered the matter and have consulted on it and I see no other way in which it can be done.

I do not understand that the Chief himself prosecutes the Court Martial against an officer. I do understand that the Chief of the State Police is the one who starts in motion the machinery which will result in the Court Martial. Major Healy is the Chief of the State Police and I understand he would have to do it. If, by coincidence, the Governor and Council should be required to investigate some condition on the part of that same Chief of Police, I myself believe it is more an unusual situation than it is a paradoxical situation. The Chief of the State Police should commence action immediately for the Court Martialing of his officer. When that action is started, I do not see why he himself should not be subject to an investigation in regard to his own conduct.

Mr. HINCKLEY of Portland: Mr. Speaker, might I have that Order read again?

The SPEAKER: The Clerk will read the Order a second time if there is no objection.

Thereupon, the Order was read by the Clerk.

Mr. HINCKLEY: Mr. Speaker, this is an Order directing the Governor and Council to do certain things. I cannot help agreeing with the gentleman from Portland, Mr. Maxim, that that is not within our province. This is the Legislative branch of government. The Gov-

ernor and Council are the Executive branch. We have no right whatever to dictate to the Governor and Council and they have no right to dictate to us on matters of this kind. Therefore I believe it is entirely out of order for us to do this. If the gentleman from Lincoln, Mr. Weatherbee, would amend the Order as Mr. Maxim suggests, I would be willing to go along with him.

Mr. MARSHALL of Auburn: Mr. Speaker, I am a little mite at loss to understand what the procedure is to get this before the Governor and Council. As you will recall, we ordered the Governor to return forthwith a certain Bill which we had previously passed, but whether we can order the Governor and Council to do this or not, I do not know, but I know this: That a man in my town wanted me to explain to him what the Chief of the State Highway Police meant when he said he had "hot money" and I said I did not know. He said, "I should think it was your job to find out." It seems to me it is up to the Governor and Executive Council to determine whether the Chief of the State Police is fit or unfit. I do not think the Governor and Council are going to be misled by what is in that Order. I think we should tell them plainly and simply what we would like to have them do and we do not have to wrap it up in lavender and a lot of lace to get it over there. I propose that we send it over there and send it now. (Applause)

Mr. VARNEY of Berwick: Mr. Speaker, I think that perhaps a word of explanation should be made at this time relative to this; I will call it the Healy Order. I just got out the Report which the Committee on which I served compiled and re-read it myself to see what we did say the facts were relative to Mr. Healy. I think I am correct when I say that all the Report contains concerning this \$50.00 is as follows: "For some reason, the exact nature of which the Committee has been unable to ascertain, Mr. Fowler took this \$50 to Chief Healy and asked him to keep it for him. Chief Healy states that although he did not wish to take the money for safekeeping and advised Mr. Fowler that the money was "too hot" to keep and that he should immediately return it, he did finally take it. Mr. Fowler de-

nies that Chief Healy advised him to return it. Chief Healy further states that after a few weeks Mr. Fowler returned and wanted the money back, and that he (Chief Healy) again advised him to return the money to Mr. Burns, but that Mr. Fowler replied that he guessed he would put it into the campaign fund."

Now I want to say this, and I do not say it necessarily in defense of Chief Healy, but I want to call to the attention of the House something that I am quite sure is a fact although I am not positive at this time. At the time of the transaction, Chief Healy was not in charge of Mr. Fowler. If my recollection is correct, and I am quite positive that it is, that at the time of this transaction, Burtis Fowler had been assigned to the Secretary of State's Department by a Council Order and which took him entirely out from under the jurisdiction of Chief Healy. Since that time another Council Order has been passed so that he is at the present time under Chief Healy's jurisdiction, as I understand it. I do not say that that in any way justifies Chief Healy's act, but I think perhaps your Committee felt, or at least I felt as a member of that Committee, and as I recall Chief Healy's story,—I may not remember it all, but as I remember it now—it was that Burtis Fowler came to him with \$50. Burtis Fowler, now being under Chief Healy, asked him to keep it for him, and said he got it as a tip. Chief Healy advised him that it was "too hot" and that he better return it. Healy did keep it and then Fowler came back and said he wanted his money back and Chief Healy advised him to return it. It may not be as bad as it sounds in the Report.

I have no objection to this Order going through to permit the Governor and Council to conduct an investigation into what did happen, but I just wanted not to create the impression that I, as a member of that Committee, necessarily thought Chief Healy was absolutely wrong in this \$50 matter.

Mr. LaFLEUR of Portland: Mr. Speaker, may I make an inquiry through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. LaFLEUR: Mr. Speaker, the question in my mind is whether or

not Chief Healy can try Inspector Fowler or would it be the Secretary of State? It is my understanding that he is under the direct control of the Secretary of State.

Mr. VARNEY: Mr. Speaker, I think I can answer that question. We had before the Investigating Committee a recent Order passed, I believe, while our Committee was in existence; at least passed within the last month or two. That Order now specifically provides that Inspector Fowler can be tried by a Court Martial instituted by the State Police.

Mr. BUTLER of Waterville: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Waterville, Mr. Butler, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the affirmative vote of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question 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 more than one-third of the members having arisen, the motion for the previous question is entertained. The question now is shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the main question was ordered.

The SPEAKER: The gentleman from Portland, Mr. Maxim, moves that the Order be indefinitely postponed. As many as are in favor of the indefinite postponement of the Order will say aye; those opposed no.

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

The SPEAKER: The question now is on the motion of the gentleman from Lincoln, Mr. Weatherbee, that the Order have passage.

Mr. HINMAN of Skowhegan: Mr. Speaker, may I ask if the matter is debatable?

The SPEAKER: The previous question has been ordered. It is not debatable. As many as are 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 and was sent up for concurrence.

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

The Chair understands that there are several enactors which are

emergency enactors and require the vote of two-thirds of the members present, and which will be ready at the morning session.

On motion by Mr. Varney of Berwick,

Adjourned until tomorrow morning at eight o'clock.