

# MAINE STATE LEGISLATURE

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# **Legislative Record**

**SPECIAL SESSION**

**JULY 22, 1940**

## HOUSE

Friday, July 26, 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.

### Order

On motion by Mr. McGlaulin of Portland, it was

**ORDERED**, that Mr. Crockett of North Haven, Miss Fowles of Whitefield, and Mr. Meserve of Casco, be excused from attending the sessions of the House today.

### Passed to be Enacted

An Act Relating to the State Museum, (S. P. 737) (L. D. 1233)  
Sent up for concurrence.

From the Senate: (Out or order)

Report of the Joint Special Legislative Investigating Committee, Created by Joint Order H. P. 2254, reporting Bill "An Act Creating a Legislative Investigating Committee" (S. P. 782) (L. D. 1258) and that it "Ought to pass"

Comes from the Senate, Report read and accepted and the Bill given its several readings under suspension of the rules and passed to be engrossed.

In the House, Report read and accepted.

Mr. McGLAULIN of Portland: Mr. Speaker, I wish to speak against that Bill.

The SPEAKER: Does the gentleman desire to speak at this stage or on the passage of the Bill to be engrossed? The gentleman is in order, if he wishes to speak at this time.

Is it the pleasure of the House to reconsider the acceptance of the Committee Report?

Thereupon, the motion prevailed, and the House voted to reconsider its action whereby it accepted the Report of the Committee.

Mr. McGLAULIN: Mr. Speaker, it is not my purpose to try to block good legislation, but I think that in our efforts to clean house we are liable to take steps that tend to destroy the house itself.

I have read that in the old days of slavery they used to have a

master who stood over the slaves with a whip to lash them into line and keep them on the jump. I am not opposed to proper investigation at any proper time, but I am opposed to a perpetual Investigating Committee. I think such a Committee is unnecessary; I think it creates unnecessary expense; I think it is undemocratic, and I think such a perpetual oversight of our departments would be intolerable.

The solution of our problem, as it seems to me, is to elect or appoint men who are able, honest and efficient, and depend upon them to do their job with proper inspection from time to time. But here we are, creating a body of seven men, who are to be paid ten dollars a day for their services, who are to meet once a month and who are to go into the different departments and oversee everything that those departments have to do.

This Order apparently is based on the assumption that our State officials are a bunch of crooks and that they must have constant supervision. I do not adhere to any such idea. I think this perpetual Investigating Committee is absolutely wrong from start to finish, and I oppose it with all the vehemence at my command.

Mr. MAXIM of Portland: Mr. Speaker, I want to second heartily the sentiments just expressed by my colleague from Portland. I find myself in a very uncomfortable and embarrassing position, because it is my sincere desire to go on with this Investigating Committee and with the permanent Committee on the Code in their recommendation. If I felt that this was simply a harmless Bill, even admitting it was not constructive, I would not speak against it. In spite of the excellent intentions of the Senator who introduced it, and of the Committee, which I know feels that this should become a part of the legislation we should pass, I nevertheless feel that it is most unwise and is destined to be mischievous as well as unwise. It seems to me we have gone very far afield in viewing all State officials with such complete distrust that we must set over them a Committee of this sort, to be constantly spying and prying, in order to discover whether some department head or one of his subordinates might have done something wrong or overstepped his jurisdiction or his powers.

Now, when all is said and done, the departments of this State are simply part of one business set-up. It is not a political set-up; it is the business set-up through which we conduct the financial and business affairs of the State. Now no private business corporation in its senses would set up a permanent Investigating Committee to watch and spy on the members of that business organization. The only legitimate function that I can see for an Investigating Committee is a specially appointed Committee, like the one we have now, appointed because the circumstances and the occasion seemed to require a special and temporary study of a situation which requires analysis.

I heartily favor, as you all do, the employment of the present Investigating Committee, but when you extend that idea and make it permanent, you have destroyed the morale of your organization. I cannot conceive that any self-respecting person who had his choice of employment, either by the State or by a private business organization, would choose to come into a State organization which was completely subject to surveillance, of such as an Investigating Committee with the power of summoning, compelling testimony and summoning books and papers and all that sort of thing. It destroys, inevitably, the morale of any organization. Now it seems to me absolutely unnecessary.

Let us consider for a moment the set-up of the State financial business house. We have, to begin with, the pre-auditor, before whom all Bills must go before they are paid by the Treasurer. It has nothing to do with the argument that we happened to have a dishonest man as pre-auditor. We have had dishonest clerks in banks who have been able for months to steal and cover up their peculations so that even the Bank Commissioner did not discover them.

To get back to my outline: We have the pre-auditor who pre-audits bills before the Treasurer pays them, then we have the Treasurer who pays the bills, and then we have the post-auditor who post-audits all those bills but you have a check on the Treasurer and on the Controller that the bills have been properly paid and are properly accounted for.

Now you have there a total check on State bills which is absolutely complete, providing you give the

Controller and Auditor all the help they need, so that instead of making test audits, they can make complete audits.

Now that is where the trouble has come in the past. We, with the best of intentions to save the State money, have denied the Auditor the help he needed to make a complete running audit of the bills of the State.

Had that complete audit been made, I do not say that this theft would not have occurred, because it is possible that it still would occur under even very skillful surveillance, but I do say we would know positively as of this date whether or not the affairs of the State are in sound condition.

Now we have voted, as I recall the figures, some fifty or fifty-five thousand dollars additional, in order to give the Auditor some twenty-two additional clerks. Now the purpose of that is to make a complete audit of all the bills in order that the affairs of the State may be thoroughly reviewed every day and every week and every month of the financial year.

Now I submit that there is a complete auditing set-up, the results of which are available to this Legislature at any time. What we can conceivably need of an Investigating Committee to add to all that auditing set-up is beyond me.

It seems to me that having now provided the necessary auditors, whatever the merits of this Bill, we certainly ought to go along for at least a year or two and try the thing out and give the employees here and the officials a chance to work in peace of mind, to work efficiently for our benefit and not hound them and harry them with the knowledge that they are being constantly watched and are liable any day to be called before an Investigating Board, whether they are guilty or innocent, and submitted to cross-questioning, and their accounts submitted to a special prying or investigation.

Now this is destructive of morale. You cannot get the kind of men you want to do the work; self-respecting men will not submit to this sort of thing when the chance for private employment is as good as it is now.

Now, in view of all this, I am opposed to this particular recommendation of this Investigating Committee. I regret that I have to take this stand, but I think, with all the

best intentions in the world, this Committee has submitted to us a mischievous Bill which can only work harm to the interests of this State. I therefore hope that the Report of the Committee will not be accepted.

The SPEAKER: The question is on the acceptance of the Committee Report.

Mr. VARNEY of Berwick: Mr. Speaker, I want to make a few statements first concerning this Bill. Let me say on behalf of the Committee, the Investigating Committee, that so far as I know, we are not, as a Committee, at all interested in the passage or the defeat of this Bill. We felt that it was our duty to investigate and bring this matter before you. When the Legislature first assembled, we thought perhaps we should attempt to bring some Bills in for your consideration. As a result of that, two Bills only were brought in, and this was one of them. Since then an Order has been presented referring to another Committee the work of drafting Bills as I understand it.

This Bill does set up a permanent Investigating Committee. Perhaps the word Investigating Committee was poorly used. Perhaps it should have said Study Committee. The Committee will consist of seven bipartisan members, and will be a committee, as the bill is now drawn, of the Legislature. They are not required to investigate any department but shall have the power to do so.

What I say in favor of this Bill, I am saying as an individual and not on behalf of the Committee. I want that made plain because I am quite sure your Investigating Committee want the Legislature to take such action upon the facts as we find them as you see fit to take. As an individual member of this body, it has appeared to me that as soon as this session of the Legislature adjourns and we go to our homes, all of the employees of the State, not necessarily dishonest, but with a sense of security, will sit back in their chairs and act like one big happy family, each one looking out for the other.

I think that the results to the State of Maine in savings from the work that our Investigating Committee has already done may run into hundreds of thousands of dollars over a period of years, not because we have discovered one or

two instances and brought it to the attention of the people, but because we have jarred the employees of the State of Maine into a sense of responsibility for the public trust and the public jobs which they hold.

It is my thought that we should not let them, after the session is over, begin to drop back into that sense of security that they have formerly enjoyed. With a permanent Committee who would have authority at all times to go into any department of this State and question the employees concerning the conduct and functioning of that department, I think I could put that right on the old saying that an honest individual likes to be watched and a dishonest individual has got to be. I cannot imagine that any employee of the State of Maine would have the slightest reason to fear any such Committee as long as he conducts his office in the best and most efficient manner which he knows.

Mr. McGLAUFLIN: Mr. Speaker, may I say just a word more. Why I say that this Committee may be something intolerable is this: Let us suppose for just a moment that you get a strong-minded man as the head of that Committee of the type of Mr. Runnells. You will have a Committee that would run your whole State. You are carrying out the Nazi idea of running everything by some special power. It is a vicious proposition and we ought to kill it here and now.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: I do not believe that any Committee of that kind should function during the Legislative session, the regular session. I think it would be most disastrous in connection with the regular session and their duties. I cannot see the necessity of having a Committee of this kind at this time. We have our Investigating Committee that may act until the first of January or such part of the year as they may choose to act. This Committee would then come into being and be a new Committee. I cannot understand why we should not take the time to seriously consider a matter of this kind instead of trying to rush it through this kind of a session. I move you, Mr. Speaker, with all due respect to the Committee, and without any desire to hinder or interfere in any way with orderly pro-

gress, and if there is to be such a Committee as we decide we should have, I submit to you there is no necessity for rushing into this thing and I do not think we are gaining anything thereby; I move you, Sir, that the Bill be indefinitely postponed in non-concurrence.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the Bill and accompanying Report be indefinitely postponed.

Mr. VARNEY: Mr. Speaker, in view of the remarks of the gentleman from Skowhegan, Mr. Hinman, I think I ought to make a statement concerning the necessity for passing this kind of a Bill, setting up this kind of a Committee at this time.

In the first place, let me say that this Committee will not function while the regular session is in session. I just got the Bill, and I do not know as I can point to the particular part that applies to that, but it is my recollection that this Committee is not to meet—I know it is provided in the Bill somewhere that they are not to report to the regular session or meet during the regular session, but to begin their work after the regular session is closed.

Now the reason why you should set up that Committee now, rather than to wait until the regular session to do it, is in order that we might provide that the members of this Committee would be paid. As I understand it, there is no way that this present Legislature could set up this Committee to work from now on and provide to give them pay. Therefore, if you wait until the regular session, then it will be another two years before you can set up a paid Committee of this sort.

It has just been called to my attention that in the third from the last paragraph of the Bill it provides, "This Committee shall meet once each month when the Legislature is not in session and as often in addition thereto as it deems advisable. It shall make such report to any special and/or to the next incoming session as it shall deem advisable." I think that makes it plain that they will not operate during the regular session.

Mr. HINMAN: Mr. Speaker, I have no objection to our setting up ten dollars a day for a Committee in the next Legislature, but, to me,

it is of no importance compared with our stepping into something that may or may not be what we want.

I will tell you frankly that never in my legislative experience have I had as hard a time to maintain some degree of judgment as to whether or not I was doing the right thing as I did here last evening. I have the most profound respect for the gentleman who has made that recommendation, and I would not in any way question it, but I am so fearful that we may move in such a hasty way that we may harm some individual, and I would not harm any individual unfairly, and I would not place upon our statute something that might prove to be unwise, if I knew it was going to save the State of Maine money, because, after all, I respect the human being above the dollar. I submit to you that if we want to set up a charge of ten dollars a day for such Committee as the next Legislature may choose to create by legislation, I have no objection to that, but I am so fearful we are setting up something to which we have not given sufficient study.

Mr. MURCHIE of Calais: Mr. Speaker, I would like the privilege for just one moment to quote the thoughts of much better minds than my own, apparently, in this connection, and then fill it out with a few short remarks of my own:

"Legislative processes are always slow and cumbersome because they must respect the right and privilege of every free American citizen. There is always a great variety of clashing views, each entitled to be considered, and they have to be guided by majority opinion often difficult to arrive at. Always the American spirit of fair play, one of the strongest natural characteristics, must be satisfied, and that takes time. Short, sharp decisive action should never be expected of any legislative body because our system is not designed for that, which is by all means its greatest strength because you understand legislation may not seem to be so much disturbed by the citizens as it stands because they know that allowances have to be made."

The point I am trying to make here is that I feel that in our enthusiasm to investigate, that we may be influenced by real honest men to go too far in the wrong direction. For that reason I feel in-

clined to go along with the gentleman from Portland, Mr. McLaughlin, in this matter.

The SPEAKER: The question is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the Committee Report and accompanying Bill, be indefinitely postponed.

Mr. THOMPSON of Castle Hill: Mr. Speaker, I will not take up much of your time at this time but I have kept still all through this session so I will make a very few remarks at this time.

We used to sell potatoes to a Florida farm, and the buyer used to come up and look the crop over and make the purchases, and, during one of these trips he said to me, "Mr. Thompson, the basis of business is confidence; we do not want to purchase seed from anybody that we have got to watch while he puts it in the bag." As I have sat here through this session, the thing that is most obvious to me is that we have lost our confidence in humanity, in our fellow men; we do not trust anybody any more, and we are trying to make laws to remedy the situation, when the laws in of ten we do not need it.

A law is worth something as long as people are behind it, and, when they are behind it, nine times out of ten we do not need it.

Is not the Department of Audit set up here for the purpose of investigating the various departments periodically so that we can know how the business of the State is conducted?

Now if we set up an Investigating Committee to investigate these departments, I would say that it looks to me as if we were duplicating, to a certain extent at least, the work of a department that we already have. To me it is plain that we do not trust the Department of Audit, the executive officials or the heads of the departments any more, but we must put someone over them who perhaps we might trust. If we presume this, should we not logically have a Committee to investigate the Investigating Committee? Where will we stop when we get started? We talk about totalitarianism. It seems to me that a Committee of this sort is simply the beginning of a small Gestapo.

I remember a farmer who used to have a worker in the field all the time to see if the boys were

doing their job. I think I am right in saying that we never win the loyalty of any of our employees by employing any such tactics. When Lord Nelson went into battle against the Spanish, he didn't send spies to watch them; he simply said "England expects every man to do his duty."

I still think, in spite of the conditions under which we are living today, that we have got to get back to the place where we do not believe that all men are dishonest. We have got to take a chance and put the best men in the best places and say "We expect you to do your duty." And until something crops out that makes it necessary, we ought to keep our Investigating Committee under cover. (Applause)

Mr. HILDRETH of Cumberland: Mr. Speaker, it strikes me there is just a little too much talk about dishonesty here this morning. There are such things as smugness, complacency, intolerance and indifference. This Committee we are talking about is not a group of spies to spy all the time on the honesty of State officials, and it has to function only when there is occasion to function. I do not believe this remuneration of ten dollars a day is sufficient to make a Committee appointed by the Speaker of this House and the President of the Senate a bunch of slave drivers. In other words, I repeat, there is something besides dishonesty. Audits may uncover dishonesty but they do not always bring to light incompetence and complacency.

Mr. MAXIM: Mr. Speaker, in answer to the last speaker, may I quote from the third paragraph from the end of this Bill?

"This Committee shall meet once each month when the Legislature is not in session and as often in addition thereto as it deems advisable. It shall make such report to any special session or to the next incoming session that it shall deem advisable, together with any bill or bills for remedial legislation."

It is not "may" legislation, it is "must" legislation — they "shall meet."

I think we should take into consideration whether we want a permanent investigating committee which shall investigate.

Mr. PAYSON of Portland: Mr. Speaker, I hope that I may not ir-

retrievably injure this Bill by speaking in favor of it.

I may say that I do not represent the Administrative Code Committee in speaking in favor of the Bill this morning. But the point which has been so much stressed is scarcely the point of this Bill at all. The investigating part of the Bill is a minor proposition compared with what the gentleman from Berwick (Mr. Varney) has said when he said perhaps it should have better been called a "study committee."

The reason I believe that Committee is required to meet every month is because your Controller is required to make a monthly financial statement, and, at the time that monthly financial statement is issued or made up there is a good reason for that Committee to meet to consider what has been going on. This Legislature also has its elected officials down here at the State House who are elected by the Legislature, and I presume are responsible to the Legislature.

I have understood from what happened last night that the Treasurer will probably still be elected by the Legislature. I suggest to you that when I first came down here I thought I knew a little something about State government and government in general. The more I work at this, the more I study it, the more I realize what an enormously difficult job it is for a man to come down here and understand and act upon in three months. Now I believe that this Committee is a Committee to study and follow along and keep a finger on the pulse of things down here, not as a group of spies but as a group of men, to help us be a more informed body in this Legislature.

Mr. MILLS of Farmington: Mr. Speaker, in many of our towns throughout the State, as the members know, we have budget committees which are called upon to meet once a month, or perhaps not as often as that, and their power is to check appropriations and how much is being spent out of these appropriations, whether the departments are living within their budget, and they have full investigating power and full power to recommend, very broad power to recommend to the town meeting in March.

Now I cannot see a great deal of difference between that type of Committee that is proposed to be

set up here and the budget committee in our towns. The only difficulty seems to be that the shadow of Hitler seems to fall across every deliberative body in the land now, and when somebody suggests something that has the word "investigation" in it or "muzzling," somebody always cries, "Hitler" or "Gestapo" or something of that sort.

I think it is a step in the way of good government to set up a Committee which will be intelligently informed in regard to our departments, to be able to report intelligently as to how the State was conducted during the past fiscal year. I think the setting up of a committee like this is a vote of confidence in the work which has been done by our present Investigating Committee. No one has called them spies, and I do not think we ought to prejudice any Committee which would be set up like this and brand them as such. I think it is a step in the right direction.

Mr. GOOD of Monticello: Mr. Speaker and members of the House, I hate to think that all of the employees of the State of Maine have to be watched. I still believe that there are some men and women in this State who are still honest and who are doing their work well. I believe we have an Investigating Committee that is above reproach, who have done their job without fear or favor. I believe they have done a wonderful job. They have submitted the evidence to us, and I do not see why we should have another Committee until the expiration of this Committee. If we want an Investigating Committee after the next Legislature convenes, then let the next Legislature appoint their Committee. I believe that while we have a studying committee to study the Code and an Investigating Committee to investigate the different departments, I do not see any need of another Investigating Committee.

I cannot for the life of me understand how the Committee can meet once a month and tell the people of the State or the Legislature what the whole State of Maine and the employees are doing. It looks to me that if they spend the time that under that Bill we expect them to spend, we will be setting up another commission the duties of which will take up practically all of their time.



Therefore, Mr. Speaker, I am in favor of the motion of the gentleman from Skowhegan, Mr. Hinman, that the Bill be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the Report and accompanying Bill be indefinitely postponed. All those in favor will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had. Fifty-three having voted in the affirmative and 34 in the negative, the motion prevailed, and the Report and accompanying Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The following Communication: (H. P. 2287)

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA

July 26, 1940

To the President and Members  
of the Senate:

To the Speaker and Members  
of the House:

At a public hearing before the special joint Investigating Committee of this Legislature, held in the Hall of the House, July 23, statements were made under direct testimony under oath which undoubtedly created the impression in the minds of every member of the Committee and every member of this Legislature in attendance that no effort had ever been made to follow regular court procedure in the matter of obtaining indictments on the basis of any known evidence.

Based undoubtedly in a measure upon such statements, certain press statements appeared Wednesday morning, July 24, to the effect that the Governor and the Attorney General opposed Auburn Robbery prosecutions.

For the purpose of having an official record before this Legislature, I enclose herewith, attached to and forming a part of this communication, a certified copy of the records of the Superior Court in the County of Androscoggin. The court record, I believe, speaks for itself.

Respectfully submitted,

(Signed) Lewis O. Barrows,  
Governor.

STATE OF MAINE

Androscoggin, ss:

AT THE SUPERIOR COURT, begun and holden at Auburn, within and for the County of Androscoggin on the first Tuesday of June in the year of our Lord one thousand nine hundred and thirty-eight.

The within and following is a true and correct list of all witness who testified before the Grand Jury in each case presented at said term of said court begun and held as aforesaid, together with a true and correct list of all cases in which said witnesses testified, and the same is herewith returned unto said Court.

Attest:

PHILIP H. MORTON, Foreman.  
FRANK T. POWERS, ATTORNEY  
for the State for said COUNTY.

\* \* \* \* \*

Geo. O'Donnell—Evidence to indite on any charge—

Bill

no (20)

Witnesses

Res. of Wit.

Wm. Hood	Lewiston
Dana B. Hodgkins	Auburn
Elenor Cunningham	Augusta
Correine Ouellette	Lewiston
Stanton Weed	Augusta
Leon Moore	Augusta
Daniel L. Stetson	Auburn

1, Monona B. Clifford, Deputy Clerk of the Superior Court for the County of Androscoggin, hereby certify that the foregoing is a true copy of the Record of Witnesses before the Grand Jury as relates to the above named Geo. O'Donnell.

(Signed) MONONA B. CLIFFORD  
Deputy Clerk Superior Court  
Androscoggin County.

The communication with accompanying papers were read and ordered placed on file, 500 copies ordered printed and sent up for concurrence.

The SPEAKER: The Chair will state a correction in the reading by the Clerk of the communication from the Governor. The communication was read as indicating "Bill No. 20" whereas the correct reading is "Bill, no."

**Papers from the Senate  
(Out of Order)**

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 indefinitely postponed in the House yesterday.

Comes from the Senate, that body voting to insist on its former action whereby the Resolve was passed to be engrossed as amended by Senate Amendment "B" in non-concurrence, and asking for a Committee of Conference with the following Conferees appointed on the part of the Senate: The Senator from Cumberland, Senator Sanborn, the Senator from Cumberland, Senator Laughlin, and the Senator from Washington, Senator Beckett.

In the House, on motion by Mr. Payson of Portland, the House voted to insist and join in a Committee of Conference, and the Chair appointed on that Committee, as Conferees on the part of the House: The gentleman from Auburn, Mr. Marshall, the gentleman from Portland, Mr. McGlaflin, and the gentleman from Caribou, Mr. Brown.

From the Senate: Joint Order relative to Governor and Council directed to grant John W. Healy a hearing re removal from office of Chief of State Police (H. P. 2286) which was passed in the House yesterday.

Comes from the Senate, passed as amended by Senate Amendment "A" as follows:

Amend said Joint Order by striking out in the 6th line thereof the word "directed" and inserting in place thereof the word "requested."

In the House:

Senate Amendment "A" was read by the Clerk, and the House voted to recede from its former action whereby it passed this Order. The House then concurred with the Senate in the passage of the Order as amended by Senate Amendment "A."

On motion by Mr. Hinman of Skowhegan, the House voted to take from the table Bill "An Act Providing for the Expiration of all Orders of the Governor's Council at the end of its Term," tabled by that same

gentleman yesterday pending further consideration.

Mr. HINMAN: Mr. Speaker, as I stated to the House last night, I am not taking any stand as to what action we shall take upon this Bill, but I tabled it simply for the convenience of perfect agreement and accord, and I understand that that has been reached.

The SPEAKER: Is it the pleasure of the House that the rules be suspended to permit reconsideration of the passage of the Bill to be engrossed?

Mr. MILLS of Farmington: Mr. Speaker, we passed this Bill once, and before we kill it, I would like to know why we are going to kill it. The gentleman from Skowhegan (Mr. Hinman) put it on the table last night with the statement that he wanted to find out why it was recalled from the Governor's office and before we change our action of the other day, when we passed it, I would like to have some reason why we should do it. I think we are entitled to some explanation.

The SPEAKER: The matter is open to debate.

Mr. HINMAN: I had the best of intentions, Mr. Speaker. I think the gentleman misquoted me. I would ask that the record of last evening be read.

Perhaps, to facilitate matters, I will say that to the best of my knowledge and belief, I did not make any statement, in tabling it, other than the fact that at least one member of our Investigating Committee, having been absent at the time it was acted upon here in the House, had not had an opportunity to satisfy himself, and, in deference to that gentleman, as a member of the Committee, I tabled that measure in order that he might make inquiries in regard to it.

The SPEAKER: The Chair understands that due to the late hour of adjournment last night and the early hour of convening this morning, it has been impossible to have the record actually typed, but it will be produced and read from the notes if the House so desires.

Mr. MILLS: Mr. Speaker, if I misquoted the gentleman from Skowhegan (Mr. Hinman) I am very sorry. However, I understood that the reason for tabling was in order that it might be ascertained as to why we were calling the Bill back, and I wanted to understand why we were

taking some action which was so different from what we took before. Now is coming back so we can kill the Bill here rather than have the Governor put in the embarrassing position of vetoing it? If that is true, I would like to know why we should have to reverse ourselves in the matter.

Mr. VARNEY of Berwick: Mr. Speaker, perhaps a word of explanation from me at this time is called for by some of the remarks. First, let me say that it has always been my policy to try to see that all matters were carefully considered by all of the members of this House and not hastily acted upon, and I have attempted to follow that policy throughout.

Now your Investigating Committee, of which I happened to be a member, made a recommendation in their report to the effect that Council Orders should cease to have any further effect after the Council which passed them went out of office. Your Committee, after the Legislature assembled here, attempted to bring Bills and matters before you so that you as a body might act upon them. As I think I said once before, two Bills were drafted. One of them this body has just considered and defeated, and this was the other Bill.

When this Bill went through this House before, I think I made a few words of explanation in the record, in which I stated that the Bill was designed to stop the practice which the Council have apparently had of creating jobs and then permitting those jobs to continue along. I was asked the question at that time if the Committee had considered the possibility that certain employees of the State might find themselves on the first day of January without any Order fixing their pay, and I replied to that that the Committee had considered that, and in fact we had that very thing in mind when we made the recommendation. I think perhaps, based upon my answer, this House voted that Bill through.

Now since that bill went through this House, an Order was passed which I knew about at the time, referring to the Code Committee, and that they study and draft any Bills which our recommendations called for. It was later called to my attention that possibly there might be some Council Orders which should not expire with the Council,

and perhaps I found myself in the position of having recommended, not intentionally, legislation to this House, Bills, the form of which had not been carefully considered by all the members of the House. For that reason, I raised no objection to this Bill being recalled and referred to the so-called Code Committee for its study before action is finally taken by the Legislature.

I want to say that I personally still know of no reason why this bill should not pass, but I want to further add that the indefinite postponement of this Bill does not prevent its consideration by the Code Committee in connection with the duty which has been specifically assigned to them, among other things, the reorganization of the Highway Department and the actions of the Governor and Council in connection therewith.

I hope I have explained to this House that I personally would not want to take the personal responsibility for saying that this Bill was in all ways properly drafted. I would like to have this House consider it when they think the thing is right to do so.

Mr. WILLIAMS of Bethel: Mr. Speaker, I have taken the trouble to look into this Bill to some extent, and I am satisfied in my own mind that the Bill as now drawn should not pass. I do feel, however, that it is now before the Legislature and that it would be an excellent plan to keep it before the Legislature. Would it not be well, therefore to indefinitely postpone it? I therefore move that this Bill be referred in non-concurrence to the special Committee on Administrative Code.

Mr. RICHARDSON of Strong: Mr. Speaker and members of the House: We are misjudging the sentiment of the people of this State if we think we have met our responsibility in this matter by setting up a Committee of Investigation, having that Committee file its report in due time in this House, and then, by an orderly process, have all the recommendations and the Bills that are presented on the basis of those recommendations referred to the Code Committee.

In other words, we have set up a committee to bring all of the linen out on the lawn, and, after memory has been dimmed, the Code Committee will iron it. I say this is one of the important recommenda-

tions this Committee has made, because we found that the Executive Department was usurping something that was definitely allocated to the Legislature, and it was with that idea in view and with no other that we brought in this recommendation. I say that this is not the proper way in which to kill it. As I understand it, this Order is subject to amendment. If it is not advisable that all those employees appointed by Council Order should not cease to hold office at the time when the Administrative Code changes, why would it not be a matter of wisdom to provide that those appointments should be reviewed by the incoming Governor and his Council. At any rate, we ought to recognize the fact that one of our important duties is to re-establish confidence in our government, and that is not any reflection upon any department not as yet investigated.

Bear in mind that nearly one hundred witnesses appeared before that Committee, and only two or three have come out of that with even a cloud of suspicion upon them. And those that went through were put under no pressure, they lost nothing by their appearance before that Committee. On the other hand, they come out vindicated.

Now the people of the State are not going to be satisfied unless we see it through, and unless that is the purpose of the Committee upon which I am serving, and unless we have the courage to see it through and to assume the responsibility, I shall ask the Speaker of his House to relieve me of a thankless job and one which will mean absolutely nothing. And if we fail to assume the responsibility, when we go home from this session it won't be necessary for us to make any reservations at the Augusta House for the 90th session. (Applause)

Mr. SMITH of Thomaston: Mr. Speaker, I do not believe we should reconsider our action in regard to this Bill. I do not think it should be recalled. I understood the Governor said this morning that he had a veto already to put on that Bill. I think if he does not like it he should veto it and send it back to us so that we can have time to take care of it right here.

Mr. HINMAN: Mr. Speaker, may I ask the gentleman from Strong

(Mr. Richardson) a question through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. HINMAN: Mr. Speaker, did I understand from what the gentleman from Strong (Mr. Richardson) said that the Investigating Committee was not in entire accord as to the manner in which they are disposing of their findings?

Mr. RICHARDSON: Mr. Speaker, I did not understand the question.

The SPEAKER: Does the gentleman from Skowhegan (Mr. Hinman) desire to repeat his question.

Mr. HINMAN: Mr. Speaker, did I understand from the remarks of the gentleman from Strong, Mr. Richardson, that the Committee of which he is a member, was not in entire accord as to the disposition of its findings?

Mr. RICHARDSON: Mr. Speaker, in reply to the question, I want to say that I have not had a conference with the other members of the Committee. It is just beginning to dawn on my rather feeble mind that we were headed in that direction, and in view of my experience with the Code Committee and the unfortunate experience with the reorganization bill, I think this one will be about the same way.

Mr. HINMAN: Mr. Speaker, now you have got at the meat of what some of us have talked about. We have an Investigating Committee that are putting their heart and soul into their work and are trying to act before they know what they want. I am not against any of this procedure if we are sure it is the right thing. The point is we want to go ahead when even the Committee is not unanimous on just what it should do.

Mr. MAXIM of Portland: Mr. Speaker, it seems to me that there is merit in this measure. I realize and I think we all do that in these closing hours before recessing that there is not time to properly consider everything and be sure that it is in proper form. If I am correctly informed as to the sentiment of this House, it is that we recess until some later date rather than adjourn without day. It seems to me that instead of any move to kill this Bill summarily, that we should hold it on the table until we know what the form of adjournment will be I can see no reason why, if we recess until some date in October, that the matter should not lie on

the table until that time. I will promise the House that in case it seems to be the sentiment of the members that we adjourn without day, I will take it off the table at the proper time for disposal. I therefore make a formal motion, Mr. Speaker, that this matter lie on the table.

The SPEAKER: As the Chair understands it, the motion is made by the gentleman from Bethel. Mr. Williams, that the Bill be referred to the Code Committee, so-called. The commitment to that Committee would require, first, a reconsideration of the engrossing of the Bill. Until that has been done, the motion to table could not operate. Therefore the Chair will first put the question to the House on the suspension of the rules to permit reconsideration of the passage of the Bill to be engrossed. Is this the pleasure of the House?

Cries of, no, no.

The SPEAKER: This would require a two-thirds vote of the members present. All those in favor of suspension of the rules to permit reconsideration of the passage of the Bill to be engrossed will rise and stand in their places until counted and the Monitors will make and return the count.

Mr. COWAN of Portland: Mr. Speaker, may I ask a question in the nature of parliamentary procedure?

The SPEAKER: If it is in the nature of parliamentary inquiry, the gentleman may make it.

Mr. COWAN: Do I understand, in order for us to take this Bill, it is necessary to vote to reconsider?

The SPEAKER: That is the understanding of the Chair.

A division of the House was had.

The SPEAKER: Fifty-six having voted in the affirmative, and the total membership present being one hundred the two-thirds vote is not obtained and the motion fails of passage.

The Bill comes from the Senate, indefinitely postponed in the Senate after reconsideration of its enactment. The Bill, in the House, to this point, stands with its enactment reconsidered. We have before us an engrossed Bill. The Chair rules that a vote can be taken now on the indefinite postponement of the Bill.

Mr. MILLS: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The House has not yet taken any action on which it can insist. The Chair suggests that the vote be taken on the motion to indefinitely postpone. If that vote is in the negative, there will then be a disagreeing action upon which the House could insist. At the present moment no action has been taken on the engrossed Bill. All those in favor of the indefinite postponement of the Bill will say aye; those opposed no.

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

The SPEAKER: The Chair understands that the gentleman from Farmington, Mr. Mills, moves that the House insist on its former action and ask for a Committee of Conference.

Mr. WINSLOW of Auburn: Mr. Speaker, would it be permissible at this time to make a few remarks regarding this question? I believe, as the gentleman from Farmington, Mr. Mills, said, a great many of us are not aware of the Executive's reason for returning this Bill. Is there not some possible way we could be given more definite information regarding that so that we may be able to form our opinion?

The SPEAKER: The pending motion is debatable.

Mr. STARRETT of Warren: Mr. Speaker, when this Bill went through the Legislature I thought it was a good Bill. Since that time I find that there are objectionable features to it. If this Bill can be amended, I will go along with the amendment to the Bill. I have not any amendment myself, but I personally would like to know, and I would like the members of the House to know, the reasons why the Governor vetoed the Bill. I think he might have had good reasons, and I wish the members of the House could know those reasons, and I hope that there is some way this can be carried out so that we can find out those reasons.

Mr. DOW of Norway: Mr. Speaker, I understand, when this Bill went through, objections were raised by a number of State employees who, next December 1st or January 1st, would be out of office, and it would be necessary to re-write practically all Council Orders with relation to salaries and increase of pay and so forth, if this Bill went through.

What we were aiming at in this particular case, I think, was to be

sure that there was a sharp demarkation between the legislative affairs of this Legislature and the supposedly assumed legislative affairs of the Governor and Council. I think, if this can be held for a while, an amendment will be worked out that will accomplish what we desire and what we will eventually want.

Mr. MAXIM: Mr. Speaker, I would like to ask for information, as to whether a motion to table, in order to secure more time, would now be entertained.

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Mills, that the House insist and ask for a Committee of Conference. A motion to table would be in order.

Mr. MAXIM: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Maxim, moves that the Bill lie on the table. Is this the pleasure of the House? All those in favor of the motion to table will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Bill was tabled pending the motion of the gentleman from Farmington, Mr. Mills, to insist and ask for a Committee of Conference.

The SPEAKER: The House is proceeding on Bills on their Passage to be Enacted. The Chair will announce that some of the Bills about to be enacted are emergency enactors and require the attendance of every member. The Chair will read part of Rule 22 of the House Rules:

"Every member who shall be in the House when the question is put, where not excluded by interest, shall give his vote unless the House for special reasons shall excuse him."

#### **Emergency Measure (Out of Order)**

#### **Passed to be Enacted (Emergency Measure)**

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

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of the Bill to be enacted 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: The Chair votes in the affirmative. Ninety-nine have voted in the affirmative and none in the negative, and the Chair rules that that two-thirds of the entire elected membership of the House is ninety-five. The Bill is therefore passed to be enacted and will be signed by the Speaker and sent to the Senate.

Mr. LaFLEUR of Portland: Mr. Speaker, do I understand that two-thirds of the entire elected membership of the House is ninety-five?

The SPEAKER: Does the Chair understand that the gentleman from Portland, Mr. LaFleur, raises a point of order as to whether or not two-thirds of the entire elected membership of the House have voted in the affirmative?

Mr. LaFLEUR: Yes, Mr. Speaker.

The SPEAKER: The Chair rules that the entire elected membership of the House as of this date is one hundred and forty-two, and that two-thirds of the entire elected membership of the House is, therefore, ninety-five. The point of order is therefore over-ruled.

#### **Passed to be Enacted (Emergency Measure)**

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

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of this Resolve 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: The Chair, having voted in the affirmative, there are ninety-seven votes in the affirmative and none in the negative. The Chair rules that more than two-thirds of the entire elected membership have voted in the affirmative and the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

#### **Passed to be Enacted (Emergency Measure)**

An Act Relating to Employees in Military Service (H. P. 2281) (L. D. 1263)

The SPEAKER: This is an emergency measure and requires for

its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of the Bill to be enacted 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**: The Chair having voted in the affirmative, there are one hundred votes in the affirmative and none in the negative. The Chair rules that more than two-thirds of the entire elected membership have voted in the affirmative and the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

#### House at Ease

11.40 A. M.

Called to order by the Speaker.

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

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

Mr. **VARNEY**: Mr. Speaker and members of the House: I want to make clear, for the purposes of the record, something that I thought I had made clear a few minutes ago, and that is with relation to the reason why you got back before us for consideration the Bill concerning the stopping of the Governor's Council Orders.

I want to say first that it was not sent back here at the request of the Governor, and I want to make it perfectly clear that after it had passed this House and Senate, sometime yesterday afternoon I heard that it might be vetoed. I immediately went to the Governor and asked him if he intended to veto it and he said yes. I asked him why and he gave me orally, not showing me his message, but gave me orally his reasons. Thereupon it occurred to me that probably this House had passed some legislation without giving it sufficient consideration. I asked the Governor if he cared if the Bill was brought back to the Legislature for further consideration, and eventually it came back to this body in order, as I previously stated, that you might give it careful consideration, which I did not think perhaps you had done before.

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

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on 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) reporting that the Committee are unable to agree.

(Signed)

Mr. **SANBORN** of Cumberland,  
Miss **LAUGHLIN** of Cumberland

Mr. **BECKETT** of Washington  
—Committee on part of Senate.

Messrs. **MARSHALL** of Auburn  
**McGLAUFILIN** of Portland  
**BROWN** of Caribou

—Committee on part of House.

Comes from the Senate, Report read and accepted.

In the House, Report read and accepted in concurrence.

From the Senate: Joint Order relative to Sec. of State directed to investigate re dismissal of Mrs. Agnes Paulkner (H. P. 2285) which was passed in the House yesterday.

Comes from the Senate passed as amended by Senate Amendment "A" as follows in non-concurrence:

Amend said Order by striking out the words in the last and next to the last line: "whether or not her dismissal from the service of the state is justified," and substitute therefor the words "what, if any, action should be taken in respect to said derelictions of duty," and substitute for the word "directed" the word "requested".

In the House:

The **SPEAKER**: The Clerk will read the Order as it would read if amended.

(Order read by the Clerk)

Mr. **WEATHERBEE** of Lincoln: Mr. Speaker, as I understand this Senate Amendment "A" which has just been read, the amendment is about the same thing as the Order which this House voted to pass last night, except that it softens the language considerably. If I am any judge of the disposition of this House, as I saw it last night, I think this House is of the disposition to say "direct" when they mean "direct" and say "dismiss" when they mean "dismiss." However, I do not suppose there is any need to quar-

rel over a few words. I feel quite sure that if the Legislature requests Mr. Robie to make this investigation, I feel quite sure he will make the investigation. I think he is no doubt aware of the feeling of the Legislature in that respect.

As to the softening of the language in regard to Mrs. Faulkner, I have no desire and I know this House has no desire to be discourteous to this lady in any way. If we can avoid any appearance of discourtesy by softening the language, then I say let's soften the language, but I do not think in doing so that we should be in the position of withdrawing from our attitude of last night in finding out about her conduct which was questionable. When the Secretary of State receives this polite request from the Legislature, I hope he will refer to Page 38 of the Partial Report of the Joint Special Legislative Investigating Committee and read the paragraph in regard to the two missing application blanks which were found by Miss Cunningham in the Auburn Branch in the personal papers of Mr. O'Donnell. The registrations were found there but the money was missing. I hope he will read that Miss Cunningham was very much disturbed. "She put the applications in a basket on her desk and wrote a personal letter to Mrs. Faulkner, telling her what she has discovered. Mrs. Faulkner replied by simply requesting Miss Cunningham to send her the excise tax receipts, which she did. Mrs. Faulkner apparently made no further effort to clarify the transaction, nor did she take the matter up with Secretary of State Robie, her superior officer. Under examination by the Committee, she showed a surprising lack of concern over these irregular transactions, and took the position that the procedure might be properly looked upon as merely a routine procedure."

Now Mrs. Faulkner may show a surprising lack of concern over these irregularities, but the people of the State of Maine show a genuine concern over these irregularities, and I believe that this House of Representatives shares the concern of the people of the State of Maine.

I am going to move that we recede and concur for I consider that this is too important an Order to die out in the hall. I am going to move that we recede and concur

with the Senate and politely request that this investigation be made, but in doing so I want to say that I do not have any doubt in my mind as to the disposition of this House. I do not have any doubt in my mind that when we come back here sometime in October that we will certainly find out whether such investigation was made and what was done about it.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, moves that the House recede from its former action whereby the Order received passage and concur with the Senate in the adoption of Senate Amendment "A" and in the passage of the Order as amended in concurrence. Is this the pleasure of the House?

Thereupon the House voted to recede from its former action whereby the Order received passage.

Senate Amendment "A" was adopted in concurrence, and the Order as amended received passage in concurrence.

Mr. LaFLEUR of Portland: Mr. Speaker, may I inquire when we are going to adjourn?

The SPEAKER: The Chair will inform the gentleman that the only matter of which the Chair is aware is a matter which the Clerk is looking for, a paper which was handled by the Senate a few minutes ago.

Thereupon, the gentleman from Portland, Mr. LaFleur, was granted unanimous consent to address the House.

Mr. LaFLEUR: Mr. Speaker, I will be very brief. I hope when we return, when you return to this House in October or January, that the matters you will then consider will be a little bit more pleasant than those which we have just gone through.

May I say for the Veterans of the State and the American Legion that we appreciate your cooperation and courtesy and kindness in going along with us, and let us hope perhaps that we can later meet under more pleasant conditions.

May I say that if any lady or member of this House would like to avail themselves of an opportunity of examining the equipment of the 68th Coast Artillery which, at the present time, is bivouacing at Fort Keyes at Camp Keyes in Augusta, that Colonel French, the Com-



manding Officer, has authorized me to say to this Legislature that he invites the ladies and gentlemen of this Legislature, either singly or in groups, to come to Camp Keyes this evening and they will be happy to explain to you some of the modern equipment which the Army has at the present time. I hope that some of you ladies and gentlemen will take advantage of the opportunity to find out how your Army is presently equipped. At 9.30 this evening at the same place there will be an actual demonstration of search-lights, airplane tracing and gun pointing, and I hope you will come.

Again, personally, I want to thank every member of this House for being kind to me and I hope I may be permitted to sit with you in January. (Applause)

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

From the Senate:

Bill "An Act Creating a Bureau of Treasury and Assigning Certain Duties Thereto" (H. P. 769) (L. D. 1253)

Comes from the Senate, received by unanimous consent and indefinitely postponed without reference to a Committee.

In the House:

On motion by Mr. Marshall of Auburn, the House voted to concur with the Senate in the indefinite postponement of the Bill without reference to a Committee.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, the twenty-first day of October, A. D., 1940, at 3 P. M., E. S. T.

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

In the House, read and passed in concurrence.

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

On motion by Mr. Varney of Berwick,

Adjourned until Monday, the twenty-first day of October, 1940, at 3 P. M. Eastern Standard Time.