

# MAINE STATE LEGISLATURE

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# **Legislative Record**

**SPECIAL SESSION**

**JULY 22, 1940**

**SENATE**

Monday, July 22, 1940

The Senate met pursuant to Joint Order, (S. P. 754) passed on June 7th, 1940, and to Joint Order, (S. P. 764) passed on June 27th, 1940, and was called to order by the President.

Prayer by the Rev. Andrew A. T. McWhorter of Augusta.

Journals of June 7th, 1940 and June 27th, 1940, read and approved.

**Order**

Mr. Spear of Cumberland presented the following order and moved its passage:—

“WHEREAS, the Eighty-ninth legislature was called in special session May 23, 1940, and adjourned on June 7, 1940 to July 22, 1940, at three P. M. Eastern Standard Time, and

“WHEREAS, the Eighty-ninth legislature was called in special session June 26, 1940, and on June 27, 1940 adjourned to July 22, 1940 at three P. M. Eastern Standard Time, and

“WHEREAS, at each of said special sessions various matters were not finally disposed of,

“NOW, THEREFORE, be it ordered, the House concurring, that all matters pending before either above mentioned special sessions of the legislature be now considered pending before the legislature now in session, and

“BE IT FURTHER, ordered, that the Joint Order Senate Paper 707 limiting the introduction of bills and resolves adopted by the special session of May 23, 1940 be in effect during this session.”

The order received a passage.

Sent down for concurrence.

**Committee Report**

Mr. SANBORN of Cumberland: Mr. President, out of order and under suspension of the rules, I move to introduce a preliminary report of the Recess Committee on Administrative Code and an accompanying bill and resolve for an amendment to the Constitution, and as the report is very brief and in order that the Senate may have early information as to its contents I ask that it be read by the Secretary.

The Secretary read the report:—

“To the Members of the Eighty-ninth Legislature:

“The Committee on Administra-

tive Code, pursuant to authority conferred by the resolve creating the Committee, has given such study to the existing provisions of Chapter 216 of the Public Laws of 1931, commonly known as the administrative code, as the limited time at its disposal would permit.

“We have held sessions at the State House during six entire days and have studied the comprehensive report made to Governor Gardiner by the National Institute of Public Administration in 1930. We have conferred at length with Messrs. Wilkinson and Noon of the auditing firm of Ernst & Ernst and at our request Mr. A. E. Buck of the National Institute has spent two days in the State House observing current administrative practices in the various state offices and he has given us the benefit of his conclusions.

“Foreseeing the possibility that our recommendations might include one calling for an amendment to the Constitution, we have thus far limited our study to the financial administration of the State, and this study has led us to the conclusion that the first and most important matter to be given Legislative attention is that of a reorganization of the office of Treasurer of State. By Constitutional provision, that officer is now elected by the Legislature for a term of two years. He must campaign for his election and re-election. The Constitution, too, limits his period of service to six consecutive years, thereby depriving the State of the value which long continued service would make possible.

“We believe that the Constitutional provisions relating to the Treasurer should be repealed and so recommend.

“We then recommend that the office be set up as a Bureau in the Department of Finance as now existing.

“We recommend that lists of all items of income accruing to the State be certified to the Treasurer by the various departments and State agencies in which they may originate, and that to the duties now imposed upon the Treasurer by law, there be added those of receiving and keeping a record of all such items and of promptly and diligently collecting them.

“By such a system there can be found in one office a fairly comprehensive picture of the financial condition of the State at all times.

Such a system, by the way, would best be served by an appointive incumbent of broad accounting, banking and investment training and experience; in other words, a career man who should be paid a salary commensurate with his duties and responsibilities. He should, moreover, be retained in office as long as he performs his work efficiently. Such an arrangement, we believe, would obviate the necessity of the continuance of the office of Deputy State Treasurer, and we recommend its abolishment.

"In accordance with these recommendations, we have prepared and present herewith a Resolve for the purpose of amending the Constitution, and an Act setting up a Bureau of the Treasury.

"Our further studies will, of necessity, disclose the desirability of other changes in the laws affecting the State's financial administration, but we believe that any such changes should follow and integrate with, rather than precede, that which we are here recommending, and which we believe to be of vital importance, viewed either from the standpoint of efficiency or economy.

Respectfully submitted,

(Signed)

Lorin M. Sanborn  
Francis H. Friend  
Clarence B. Beckett  
W. Mayo Payson  
E. Sam Fowler  
Alan L. Bird  
Roland J. Poulin  
George Grua  
George H. Hinckley  
Alden C. Stilphen

Committee on Administrative Code  
Augusta, Maine, July 22, 1940."

The report was accepted and on motion by Mr. Sanborn of Cumberland was sent to the House forthwith.

Mr. CHAMBERLAIN of Penobscot: Mr. President, do we understand that the report will be printed as well as the bill and resolve?

The PRESIDENT: The Chair understands that there will be an order for printing the report introduced in the House.

Mr. SANBORN: That is right, Mr. President.

Out of order and under suspension of the rules, Mr. Sanborn of Cumberland was granted unanimous consent to introduce Resolve Proposing an Amendment to the Con-

stitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State; and on further motion by the same Senator the Resolve was laid upon the table pending consideration and 500 copies ordered printed.

Out of order and under suspension of the rules, Mr. Sanborn of Cumberland was granted unanimous consent to introduce bill An Act Creating a Bureau of the Treasury and Assigning Certain Duties There-to; and on further motion by the same Senator the bill was laid upon the table pending consideration and 500 copies ordered printed.

The PRESIDENT: Is there further business to come before the Senate at this time?

On motion by Mr. Spear of Cumberland

Recessed until this evening at 7:00 o'clock Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

Mr. OWEN of Kennebec: Mr. President I would like the privilege of introducing an Act to Incorporate the Oak Grove School, the school at which I am employed. This I realize requires the consent of the entire membership. The reason we are asking this to be done is that we are in the process of building and it is necessary to re-incorporate the school in order to continue and receive gifts and so forth during the summer. It costs the state of Maine no money and it means no trouble for anyone else. It will simply be an act of courtesy on your part if you will allow this to be done. If you do not, I will hold no offense toward anyone.

Thereupon, unanimous consent was granted Mr. Owen of Kennebec to introduce bill, An Act to Incorporate the Oak Grove S. P. 771 School; and under suspension of the rules the bill was given its first reading.

Thereupon on motion by the same Senator the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Sewall of Cumberland

Adjourned until tomorrow morning at nine o'clock Eastern Standard Time.