

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

SENATE

Wednesday, July 24, 1940

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday, read and approved.

Orders

On motion by Mr. Tompkins of Aroostook, it was

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

ORDERED, the House concurring that the following exhibits be forwarded by the Secretary of the Senate to Major John W. Healy, Chief of the Maine State Police: No. 30, Maheux letter; No. 32, Jackson affidavit; No. 31, Maheux envelope; No. 29, Maheux card.

Sent down for concurrence.

On motion by Mr. Tompkins of Aroostook, it was

ORDERED, the House concurring, that the Secretary of the Senate be and hereby is ordered to cause to be prepared a copy of the transcripts of testimony which accompanied the Partial Report of the committee created by Joint Order, House Paper 2254 of the following witnesses: George O'Donnell, Ellen Cunningham, Agnes Paulkner, Arthur Freeman and forward such copies to the County Attorney of Androscoggin County for presentation by him to the Grand Jury of Androscoggin County, and be it further

ORDERED, the House concurring that the Secretary of the Senate cause to be made photostatic copies of the following exhibits: No. 1, O'Donnell testimony; Nos. 1, 2, and 3, Freeman testimony, and forward such photostatic copies to the County Attorney of Androscoggin

County for presentation by him to the Grand Jury of Androscoggin County.

Sent down for concurrence.

On motion by Mr. Tompkins of Aroostook, it was

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

Sent down for concurrence.

Committee Reports

Mr. Tompkins from the Joint Special Legislative Committee created by Joint Order, House Paper 2254 reported on behalf of that committee, presenting bill An Act Providing for the Expiration of all Orders of the Governor's Council at the End of its Term and that it ought to pass; and on motion by that Senator the Ought to Pass report of the committee was accepted; and on further motion by the same Senator, under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Tompkins from the Joint Special Legislative Committee created by Joint Order, House Paper 2254 reported on behalf of that committee, presenting bill An Act Creating a Legislative Investigating Committee and that it ought to pass; and on motion by that Senator the Ought to Pass report of the committee was accepted and the bill was given its first reading.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending second reading, and 500 copies were ordered printed.

Mr. SANBORN of Cumberland: Mr. President, I rise to ask unanimous consent to introduce a bill entitled "An Act Amending the Law Relating to Deposits of State

Funds" and by way of explanation I have only to say that this is a bill prepared by the Attorney General. Its purpose is to strengthen the existing statute which limits the amount of state funds which may be deposited in various banks. I want it distinctly understood that I have no technical knowledge of the wisdom of the bill, not being a banker, but I am offering it at the request of the Attorney General and ask unanimous consent that it be received.

Thereupon, the bill An Act Amending the Law Relating to Deposits of State Funds was received by unanimous consent and under suspension of the rules was given its first reading and tomorrow assigned for second reading.

(500 copies ordered printed).

Orders of the Day

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State, (L. D. 1254), tabled by that Senator on July 22 pending consideration.

Mr. SANBORN: Mr. President, I doubt whether there be any necessity for an extended explanation of the purpose of this resolve. I think it is generally understood by all the members that if there is to be any reform effected in the manner of the conduct of the office of State Treasurer, as a preliminary to that there must be an amendment to the Constitution which provides for his election by the legislature and the limitation of his term of service to six years. In order to pave the way for what legislation may be desirable this legislation seems to be necessary and I therefore move that this bill be given its first reading.

The motion prevailed and the bill was given its first reading; and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table bill, An Act Creating a Bureau of Treasury and Assigning Certain Duties Thereto (L. D. 1253) tabled by that Senator

on July 22, pending consideration; and on further motion by the same Senator the bill was given its first reading.

Miss LAUGHLIN of Cumberland: Mr. President I present Senate Amendment A and move its adoption and in this connection I would say that in amending the title of the bill it would refer just as well to the bill presented, as to the amendment to the bill which I wish to offer later. The title is relating to the appointment of the Treasurer of State which would not really change it but would be necessary in case the further amendment which I wish to offer, should be adopted.

The Secretary read Senate Amendment A:—

"Senate Amendment A to Legislative Document 1253 entitled An Act Creating a Bureau of the Treasury and Assigning Certain Duties Thereto. Amend said bill by striking out the title thereto and inserting the following in place thereof: 'An Act Relating to the Appointment of the Treasurer of State'."

Senate Amendment A was adopted.

Miss LAUGHLIN of Cumberland: Mr. President, I offer Senate Amendment B. I believe this amendment should be printed so that the members may have an opportunity to study it before it is adopted. I think it would be well to have it in printed form so that each member will know what he is voting on.

The Secretary read Senate Amendment "B":—

"Senate Amendment "B" to S. P. 769, L. D. 1253 bill, An Act Creating a Bureau of the Treasury and Assigning Certain Duties Thereto".

Amend said bill by striking out section 1 thereof, and inserting the following in place thereof:

"Sec. 1. Department of treasury created. There is hereby created and established a department of the treasury, the head of which shall be the treasurer of state. The treasurer of state shall be appointed by the governor with the advice and consent of the council to serve for a term of 2 years, and until his successor is duly appointed and qualified. He shall receive such salary as shall be set by the governor and council."

"Sec. 2. Rights and duties. All of the rights and powers, and duties

formerly conferred or imposed on the treasurer of state as a constitutional officer are hereby transferred to the treasurer of state as a departmental officer.'

Further amend said bill by striking out the first 3 paragraphs of section 2 thereof, and the following part of the 4th paragraph thereof:

'Sec. 33. Records; collections. The department of finance through the bureau of treasury' and inserting in place thereof the following: 'Sec. 3. Further duties of treasury of state. Chapter 2 of the revised statutes is hereby amended by adding thereto a new section to be numbered 74-A and to read as follows: 'Sec. 74-A. Records; collections. The department of treasury of state'

Further amend said bill by striking out in the 4th paragraph of section 2 thereof, the words "certified to this bureau" and inserting the words "certified to this department".

Further amend said bill by renumbering sections 3 and 4 thereof as sections 4 and 5."

Thereupon, on motion by Miss Laughlin of Cumberland the bill and the amendment were laid upon the table pending adoption of Senate Amendment B. (500 copies of Senate Amendment B ordered printed.)

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

On motion by Mr. Spear of Cumberland

Recessed until one o'clock this afternoon, Eastern Standard Time.

After Recess

The Senate was called to order by the President.

From the House:

Partial Report of the Joint Special Legislative Investigating Committee Created by Joint Order, H. P. 2254. (H. P. 2274)

Which report was read and accepted and ordered placed on file in concurrence.

From the House:

Bill, "An Act to Prohibit Certain Political Activities." (H. P. 2275) (L. D. 1256)

In the House, the bill was received by unanimous consent and referred to the Committee on Judiciary.

In the Senate, the bill was received by unanimous consent and referred to the Committee on Judiciary in concurrence.

From the House:

Bill, "An Act Relating to Officers and Employees in Military Service." (H. P. 2276) (L. D. 1257)

In the House, the bill was received by unanimous consent and referred to the Committee on Legal Affairs.

In the Senate, the bill was received by unanimous consent and on motion by Mr. Marden of Kennebec was laid upon the table pending reference in concurrence.

Mr. OWEN of Kennebec: Mr. President, a few days ago the members of the Senate were very indulgent with me in allowing me to introduce a bill permitting the incorporation of my institution, by unanimous consent. Through a misunderstanding as I understand it, or a misapprehension perhaps on the part of some of the members of the House, it was not received in the House. I ask at this time unanimous consent to introduce a similar measure.

Unanimous consent was granted to Mr. Owen of Kennebec to introduce bill An Act Relating to Oak Grove School, and the bill was given its first reading without reference to a committee. Thereupon, on further motion by the same Senator under suspension of the rules the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. BURNS of Aroostook: Mr. President, I ask unanimous consent to introduce a Resolve Authorizing the Sale of State's Interests in Certain Lands in Township No. 17, and in explanation of that motion, Mr. President, I will say that this particular bill has to do with a farm situated in Aroostook County which was sold for taxes and the state has acquired title to the property. The owner of the farm himself is not prepared to pay the amount of the delinquent taxes, \$192, but the federal land bank which has a mortgage on this farm has filed in the proper office here in the state house a check for that amount, and the purpose of the resolve is to prevent the operation of the tax sale proceedings and to restore the

title of the farm to the original owner. In the past we have acted on similar measures and I am satisfied from my investigation of this case—I have considerable correspondence here from Frank Holley, the Tax Assessor and several others, that it is a bona fide case, and so I repeat my motion, Mr. President, that the bill be received by unanimous consent.

Thereupon, unanimous consent was granted Mr. Burns of Aroostook to introduce Resolve Authorizing the Sale of State's Interests in Certain Lands in Township No. 17 and on further motion by the same Senator the bill was given its first reading without reference to a committee.

Thereupon, on further motion by the same Senator under suspension of the rules the bill was given its second reading and passed to be ingrossed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Spear.

Mr. SPEAR: Mr. President, before I move to recess I would like to explain that there is pending now before the Legislature that has not been disposed of, the Hatch Act, or the Baby Hatch Act, the Military Affairs bill, Unemployment Compensation bill, three orders, two Treasury bills, and the Baxter bill, and there are two orders now being drafted. That is all I can tell you at this time. I now move that we recess until 7 o'clock this evening, Eastern Standard Time.

The motion prevailed.

After Recess

The Senate was called to order by the President.

From the House:

Joint Order, relative to Reference of Recommendations made by Joint Special Legislative Investigating Committee to Code Committee (H. P. 2280)

Comes from the House read and passed.

In the Senate, read and passed in concurrence.

Mr. SPEAR of Cumberland: In connection with that report I would like the unanimous consent of the Senate to make a statement.

Unanimous consent was granted.

Mr. SPEAR of Cumberland: Mr. President I read in the Portland Press Herald dated July 24th, this morning "Barrows" Resignation in Favor of Sewall, Proposed." I do not know and did not hear or see any evidence or statement within my knowledge of such desired resignation of Governor Barrows in favor of Senator Sewall or anybody else. Likewise I had no knowledge that Governor Barrows and Attorney General Burkett opposed Auburn robbery prosecution. There is documentary evidence to the contrary. I refer to the records of the Governor and Council dated May 4, 1938: subject, hearing before the Governor and Council in regard to statement of Harold K. Maguire at the annual dinner of the Portland Boys' Club senior association. As far as I am concerned as one of the legislative leaders in the 89th Legislature, it appears to me that I have said enough in regard to the charges appearing in the Portland Press Herald of July 24.

Mr. CONY of Kennebec: Mr. President, I should like the indulgence of the Senate for just a few minutes to comment on some of the things incidental to this present special session of the legislature.

Unanimous consent was granted to Mr. Cony of Kennebec to address the Senate.

Mr. CONY: Mr. President, I think the time has come when something should be said in this Chamber in defense of the present administration, dominated by the party of which I am a member. I am very happy just now to have the floor leader comment upon certain newspaper articles that appeared in the Press of today.

I want to say that I believe this present legislature and the present Chief Executive of this state have nothing to apologize for or to explain other than by their acts or their faithfulness to the people of this Commonwealth and yet we are seemingly coming here and listening to what to me are for the most part trivial things, taking up our

time and the money of the tax payers to emblazon the state with, shall we say, incorrect statements of facts.

Just yesterday in this legislature we listened to a speech incidental to an examination by a committee. I do not know what the name of the speech was but a proper title would be "What I Don't Know About the Auburn Robbery." That talk and the insinuations that were made concerning the Chief Executive of this state and the publicity and distortion of it that was given in the press today is the reason I feel it is time for some of us to stand up here and make known that we have nothing for which we need to apologize. We have had a committee which has worked, I am sure, very strenuously and which has made an exhaustive report after many, many days of arduous labor and other than the Auburn robbery which certain politicians won't let rest from a political angle, I think the people would be very glad to forget it.

Now we heard it said in there that the Governor of this state had some knowledge or was advised of some facts as to who killed cock robin and the information was that a certain person whose identity was not disclosed and was not divulged had told somebody else and somebody else had said that they told the Governor, and that is to go to the Grand Jury. There are some lawyers in this Body and I think they know that would last in Court about while a person was stating it and no longer. Another thing, the County Attorney of the County where this took place was not a member of the party of which I was a member. He was a member of another party and I can conceive of no reason why he should not have been very glad indeed especially at the suggestion of the distinguished gentleman who enlightened us so much yesterday, to proceeding along legal lines as much as he would any matter that came to his attention in that county.

And yet we are here and stay here and try to work out something and then have the facts and statements distorted in the Press of this state and I am one of the people who believe that that individual or individuals who build up a destruction of the faith of a people in its government, in the

integrity of the men who administer that government, comes somewhere near being a public enemy. That is what we have had. We have chain newspapers and we have chain banks and we have had other chains who seem to take it upon themselves to control the government of this state, not as elected representatives but conscious of a power which they think they possess and with one hand distorting the facts and building up in the public mind a distrust and hatred; and on the other hand saying "Advertise Maine."

I say there is more destruction to the welfare of the state than is offset in all the paid advertising on the merits of Maine than all of us can afford to buy.

What have we failed in? What has the Governor of Maine failed in? Well, if there is anything to the Auburn Robbery the unanswerable thing about it is that there is a reward of \$2000 which has been standing a long time for any of those who can solve this mystery, including politicians. Now I have felt that possibly others who feel as I feel would give voice to this sort of thing and call attention to the fact that a spirit that is injurious to you and I, injurious to all who are trying to carry out a trust, and injurious to every last citizen of this state. I had the impression that there are a few people who think it is their prerogative to run the affairs of this Commonwealth and to select and to determine who shall and who shall not merit or receive positions of trust. They are not elected people. They are people who take it upon themselves with, as someone says, "An unconscious arrogance of conscious power" to say what we shall do.

The men and women I know in this legislature are a wonderful crowd of men and women and I do not think any last one of us could point a finger of doubt to the integrity and purpose in the mind of every member of this legislature and I do not think the state of Maine ever had a finer legislature and I do not think it ever had a more honest governor who has had things said about him in distortion, where he was not in so good a position to answer in all cases. I say this, not that I expect any publicity or because I am trying to build myself up. The chances are I am building myself down but I say it so the members of this legislature,

if they catch the spirit of what I may say can go to the highways and byways of this state and spread gospel of truth concerning those who are here.

Just a few weeks from now I venture to say nearly all of you will be on the firing line to help along the splendid President of this Body who has been honored to run for our Governor and I think we should begin to grasp the fact that we have nothing to be ashamed of and that the head of our party has been a credit to the state of Maine and given one of the finest administrations that it ever has had.

I feel constrained, Mr. President to make these few remarks in the defense not only of the Governor but of this legislature and the defense of the Republican party by those "pinks" whose conception of government is a little bit like the man across the sea of distorting the truth and building up a doctrine of hatred. I thank you very much.

Joint Order relative to Continuance of the Joint Special Legislative Investigating Committee. (H. P. 2279)

Comes from the House read and passed.

In the Senate, read and passed in concurrence.

Passed to Be Enacted

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

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)

From the House:

Supplemental Report of the Joint Special Investigating Committee of the 89th Legislature. (H. P. 2278)

Which was read and accepted

and ordered placed on file in concurrence.

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage," (S. P. 717) (L. D. 1222) and the New Draft of the same under the same title, being (S. P. 739) (L. D. 1245) reported that both Houses recede from their former actions and concur in the passage to be engrossed of a second new draft under the same title (H. P. 2277) submitted herewith.

Comes from the House report read and accepted, and the new draft (H. P. 2277) having been passed to be engrossed.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move the new draft be laid on the table because in looking it over I think there is a slight defect in it and until it can be corrected I would like to have it laid on the table.

The motion prevailed and the bill in new draft was laid upon the table pending assignment for second reading.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table bill An Act Relating to Officers and Employees in Military Service" (H. P. 2276) (L. D. 1257), tabled by that Senator earlier in today's session pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Spear of Cumberland

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