

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

SENATE

Thursday, July 25, 1940

The Senate was called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday, read and approved.

From the House:

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

(In the Senate on July 24, passed to be engrossed without reference to a committee).

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

In the Senate, on motion by Mr. Owen of Kennebec, that body voted to reconsider its action of yesterday whereby the bill was passed to be engrossed; on further motion by the same Senator, House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

From the House:

"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)

(In the Senate on July 24 passed to be engrossed without reference to a committee).

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

In the Senate, on motion by Mr. Sanborn of Cumberland, that Body voted to reconsider its action of yesterday whereby the resolve was passed to be engrossed; and on further motion by the same Senator, House Amendment A was read and adopted in concurrence and the resolve as amended by House Amendment A was passed to be engrossed in concurrence.

Passed to be Engrossed

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

Sent down for concurrence.

**Committee Report
(Out of Order)**

Mr. Marden from the Committee on Military Affairs on bill "An Act Providing for an Air Unit in the National Guard," (S. P. 731) (L. D. 1231) reported that the same ought not to pass as the subject matter therein is covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

Finally Passed

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

Orders of the Day

Mr. SPEAR of Cumberland: Mr. President, is there in the possession of the Senate a bill that I introduced some time ago regarding the two million dollar bond issue for defense purposes?

The PRESIDENT: The Chair would inform the Senator that Legislative Document 1243, bill, An Act Authorizing the Issuance of Bonds and Notes to Defray Military Expenses, is in the possession of the Senate, having been tabled pending first reading.

Mr. SPEAR: Mr. President, for the benefit of the members I want to state that this subject matter has been covered by other legislation and I ask leave to withdraw the bill.

Leave to withdraw the bill was granted.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill, An Act Amending the Unemployment Compensation Law (L. D. 1261) tabled by that Senator on July 24 pending assignment for second reading; and that Senator yielded to the Senator from Cumberland, Senator Hill.

Mr. HILL of Cumberland: Mr. President, after this new draft had been reported from the Committee of Conference we detected in the measure a provision which to me and to other lawyers who have discussed it seemed to be unconstitutional. The new draft as it now stands provides for the imposition of a tax on federal instrumentalities when the Congress of the United States shall permit such legislation.

In other words, it appears like a delegation of power to legislate for Maine through the Congress of the United States, which the courts have said is contrary to the Constitution. That difficulty, I think, can be very readily eliminated. As I say, it has been discussed by several lawyers. And for the purpose of making that change I present Senate Amendment A and move its adoption:

"Senate Amendment A to bill, An Act Amending the Unemployment Compensation Law Relating to Unemployment Liability and Coverage. Amend said bill by striking out in the fifth line of sub-section B of section 4 the words, 'shall permit' and inserting in lieu thereof the words, 'has permitted'."

Senate Amendment A was adopted and on further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A.

Thereupon, on further motion by the same Senator, the bill was ordered sent forthwith to the House.

On motion by Mr. Worthen of Penobscot, the Senate voted to take from the table bill, An Act Relating to the State Museum, (S. P. 737) (L. D. 1233) tabled by that Senator on June 7 pending acceptance of the Ought to Pass report of the Committee on Reference of Bills; and on further motion by the same Senator the report of the committee "Ought to Pass" was accepted and the bill was given its first reading.

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.

Order

(Out of Order)

On motion by Mr. Thatcher of Penobscot, it was

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 hereby authorized to install the same.

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

On motion by Mr. Spear of Cumberland

Recessed to the sound of the gavel.

After Recess

The Senate was called to order by the President

From the House:

Senator Tompkins from the Joint Committee Created to Study the Financial and Functional Activities 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) reported that leave be granted to withdraw the same.

The Joint Special Legislative Investigating Committee Created by Joint Order, (H. P. 2254) on "Resolve Proposing an Amendment to the Constitution Abolishing the Office of Treasurer of State," (H. P. 2272) reported that the same be referred to the Committee on Administrative Code.

The same Committee on Bill "An Act Relating to the Duties of the Treasurer of State," (H. P. 2265) (L. D. 1235) reported that the same be referred to the Committee on Administrative Code.

The same Committee on Bill "An Act Giving the Duties of the Treasurer of State to the Commissioner of Finance," (H. P. 2271) reported that the same be referred to the Committee on Administrative Code.

Which reports were severally read and accepted in concurrence.

Passed to be Engrossed

(Out of Order)

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

On motion by Mr. Burns of Aroostook, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. BURNS: Mr. President, before offering an amendment I wish to make an explanation to the members of the Senate, a very brief

one as the matter has already been covered by the House. I spoke with reference to this measure two days ago and I said that provided the State appropriated \$5,000 the federal government would allow an additional \$80,000. I made that statement on representations made to me but through mistake, they are not so. The \$5,000 that is sought here will not bring to the state an additional \$80,000. It will, however, permit the continuation of this worthwhile work. The matter has already been covered by remarks in the House and I do not want to go into a lengthy explanation. Suffice to say, with the \$5,000 we already have, if we appropriate this \$5,000 we will receive from the federal government \$70,000, which is a ratio of about seven to one instead of sixteen to one, and I wish to correct the impression I made here, and therefore, wish to make this explanation.

To bring the matter to the present time, I wish to say the original bill did not include an emergency clause. The work would be suspended or stopped unless this money was made available, and consequently it is felt now that if this work is to continue the 88 or 100 employees, citizens of this state, would not be carried on the rolls unless the bill became active immediately, and therefore, it is necessary that an amendment be offered to make the matter an emergency measure. I offer Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment "A".
 "Senate Amendment A to Bill, An Act Relating to Registration of Veterans' Graves (S. P. 774).

Whereas the additional sum of \$5,000 to be paid from the general funds of the state is necessary to continue in employment a substantial number of citizens of the state in a program of registration of veterans' graves, which program has heretofore received the approval of the present legislature and

Whereas, unless this sum is appropriated the work will be suspended or stopped, and

Whereas in the judgment of the legislature these facts create an emergency within the meaning of section 16 of article 31 of the Constitution and require the foregoing legislation as immediately necessary for the preservation of the public peace, health and safety, be it en-

acted by the people of the State as follows:"

Thereupon, Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

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

After Recess

The Senate was called to order by the President.

From the House:

Bill "An Act Authorizing the Issue of Bonds and Notes to Defray Military Expenses." (S. P. 749)

(In the Senate on July 25 leave granted to withdraw.)

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

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to recede and concur with the House in the indefinite postponement of the bill.

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

On motion by Mr. Spear of Cumberland,

Recessed for one hour.

After Recess

The Senate was called to order by the President.

From the House:

Bill "An Act Relating to the State Museum." (S. P. 737) (L. D. 1233)

(In the Senate on July 25, passed to be engrossed.)

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

In the Senate, on motion by Mr. Worthen of Penobscot, that Body voted to reconsider its action of yesterday whereby the bill was passed to be engrossed; and on further motion by the same Senator House Amendment A was read and adopted in concurrence and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby Resolve Proposing An Amendment to the Constitution Repealing the Constitutional Provision Relating to the Office of Treasurer of State (L. S. 1254) was passed to be engrossed as amended by House Amendment A in concurrence; and on further motion by the same Senator the Senate voted to reconsider its action whereby House Amendment A was adopted in concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I move that House Amendment A be indefinitely postponed in non-concurrence. My reason for this is that there is another amendment about to be proposed which accomplishes the same result in a more satisfactory way and in which the effect of House Amendment A is embodied and it would only be a repetition.

House Amendment A was indefinitely postponed in non-concurrence.

Thereupon, the same Senator presented Senate Amendment A:

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

Amend said resolve by striking out 'and 4' in the 2nd line of the 2nd paragraph, and insert between 2 and 3 the word 'and' in the 1st line of said paragraph.

Further amend said resolve by striking out in the 3rd paragraph thereof the words 'section four, part four, article five;'

Further amend said resolve by adding after the 4th paragraph thereof, the following paragraphs:

'Notwithstanding the provisions of section 2 of Article XXXVII of the constitution, this amendment shall become a part of the constitution on January 15, 1941, and not prior thereto.'

'The incumbent of the office of treasurer of state at the time this amendment is adopted and his successor in office chosen in the manner now prescribed by law shall continue to discharge the duties of the office both before and after the effective date of this amendment (unless removed therefrom in the manner prescribed by law) with all of the powers and subject to all of the limitations now prescribed by

law until other provisions therefor are made by the legislature.'

Further amend said resolve by substituting in the last line of paragraph 5 for the figure '1' the figures '15', and substitute the figures '15' for the figure '1' in the 4th line of House Amendment A."

Thereupon, on further motion by the same Senator the bill and the amendment were laid upon the table pending adoption of Senate Amendment A and Senate Amendment A was ordered mimeographed.

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

On motion by Miss Laughlin of Cumberland

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

Passed to be Enacted

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

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

On motion by Miss Laughlin 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, (S. P. 770) (L. D. 1254), tabled by that Senator earlier in today's session pending adoption of Senate Amendment "A".

Miss LAUGHLIN: Mr. President, because of certain legal consultations in the meantime since this resolve was tabled, we think possibly some changes ought to be made in Senate Amendment "A" which will appear to you if you can follow me as I explain the amendment which I wish to offer. I ask leave to withdraw Senate Amendment "A" at this time.

Leave to withdraw Senate Amendment "A" was granted.

Miss LAUGHLIN: Mr. President, I would like to present Senate Amendment "B" and move its adoption. But even before it is read I might make an explanation, which perhaps will make it easier to understand. There has been on the desks of all, copies of Senate Amendment "A". Because

of certain doubts and fears on the part of the legal consultants as to the question of attempting, in view of the present provisions of the Constitution, to postpone the taking of effect beyond the time when it is adopted, when the Governor proclaims it. In Senate Amendment "B" we have crossed out the paragraph beginning "Notwithstanding" which is perhaps the fifth paragraph in Senate Amendment "A". Cross out "Notwithstanding the provisions of section 2 of Article 37 of the Constitution this amendment shall become part of the Constitution January 15, 1941, and not prior thereto." We feared lest the courts might hold that was really not within the powers of the legislature in view of Section two of Article 37 of the Constitution, and that therefore this constitutional amendment if passed would take effect as every constitutional amendment has, in accordance with section two of Article 37 of the Constitution, namely, when the majority of the people had voted for it.

The next paragraph remains intact and that provides for the incumbent, even though the constitutional amendment takes effect, if passed then, nevertheless the treasurer can perform the duties of office up to the time the legislature makes provision for a treasurer.

Then the other change is, if you turn to the last paragraph of Senate Amendment "A", to strike out at the end of paragraph 5 the words 'and the amendment shall become a part of the Constitution January 1, 1941,' which is merely the same idea that we possibly could not constitutionally postpone it until January, and therefore, we cut it out.

The Secretary read Senate Amendment "B":

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

Amend said resolve by striking out "and 4" in the second line of the second paragraph, and insert between 2 and 3 the word 'and' in the 1st line of said paragraph.

Further amend said resolve by striking out in the third paragraph thereof the words 'section four, part four, article five;'

Further amend said resolve by

adding after the fourth paragraph thereof, the following

The incumbent of the office of treasurer of state at the time this amendment is adopted and his successor in office chosen in the manner now prescribed by law shall continue to discharge the duties of the office both before and after the effective date of this amendment (unless removed therefrom in the manner prescribed by law) with all of the powers and subject to all the limitations now prescribed by law until other provisions therefor are made by the legislature.

Further amend said resolve by striking out at the end of paragraph 5, the words, and the amendment shall become a part of the Constitution January 1, 1941.

Thereupon, Senate Amendment "B" was adopted.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I move Legislative Document 1254, as amended, be laid on the table for a short time.

Miss LAUGHLIN: Mr. President, may I ask if the Senator has any question to ask which would clarify this. If so, perhaps we can get it to go along.

Mr. CHAMBERLAIN: Mr. President, I will take it off the table in a short while.

Miss LAUGHLIN: I doubt if the Senator will have a chance to.

Mr. CHAMBERLAIN: I understand we are going to have an evening session.

The PRESIDENT: The Chair will remind the Senators the motion to table is not debatable. The motion before the Senate is by the Senator from Penobscot, Senator Chamberlain, that Legislative Document 1254 be laid upon the table pending passage to be engrossed. Is this the pleasure of the Senate?

The motion to table prevailed.

From the House:

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

(In the Senate on July 25, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, passage to be engrossed reconsidered, House Amendment "A" offered and adopted, and the bill as amended by Senate Amendment "A" and by House

Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland that Body voted to reconsider its action taken earlier in today's session whereby the bill was passed to be engrossed. On further motion by the same Senator, House Amendment A was read and adopted in concurrence and the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in concurrence.

Committee Report (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 herewith additional testimony of Benjamin West Lewis and Hon. Fulton J. Redman. (H. P. 2283)

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

Order (Out of Order)

On motion by Mr. Tompkins of Aroostook, it was

ORDERED, the House concurring that the Governor be requested to return to the Senate, Senate Paper 777, Legislative Document 1260, An Act Providing for the Expiration of all Orders of the Governor's Council at the End of its Term.

Sent down for concurrence.

Mr. HILL of Cumberland: Mr. President, during her long service in both branches of this legislature a very able and distinguished service has been rendered by my colleague, Senator Laughlin, on many occasions. No service perhaps, however, has been more important than the one she has recently rendered in connection with a resolve to amend the constitution of Maine which she has diligently examined and in which she discovered a very fundamental and important situation which needed correction. I refer to the fact that the resolve as originally presented before this Body, perhaps through inadvertence, repealed the fundamental provision of our constitution that no money shall be withdrawn from the public treasury except upon warrant from the Governor and Coun-

cil and except in accordance with appropriations made by law.

I want to say just a word of tribute to Senator Laughlin for her service in connection with this resolve.

Now, in order to correct that and other difficulties the Senator, after much deliberation, presented Senate Amendment A and in order that there might be thorough consideration, since it is an amendment to our constitution, that amendment was ordered mimeographed. And as a result of that mimeographing and the consideration which was given to the amendment it appears that there need to be still further changes in that, and so that amendment was withdrawn and Senate Amendment B offered.

Now it seems to me that the whole course of this resolve has indicated the wisdom of making haste slowly when it comes to amending our constitution, and without any intent or desire to create any unnecessary delay it would seem advisable to me that this Senate Amendment B be mimeographed.

I assume that the Senate is shortly to recess and that the mimeographing might be done in a short time. Senate Amendment B of course, has been adopted by the Senate but I hope that it may be mimeographed and placed in circulation so that every member may have an opportunity to examine it before the resolve is put upon its final passage.

So, Mr. President, I move that Senate Amendment B be ordered mimeographed.

The motion prevailed.

On motion by Mr. Spear of Cumberland

Recessed until seven o'clock this evening, Eastern Standard Time.

After Recess

The Senate was called to order by the President.

Committee Reports (Out of Order)

The Committee on Legal Affairs on bill "An Act Relating to Officers and Employees in Military Service," (H. P. 2275) (L. D. 1257) reported the same in a new draft (H. P. 2281) (L. D. 1263) under a new title, Bill "An Act Relating to Employees in Military Service," and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once and under suspension of the rules read a second time and passed to be engrossed in concurrence.

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

Signed:

Representatives:

Weatherbee of Lincoln
Hinckley of South Portland
Bird of Rockland
Varney of Berwick
Batchelder of Parsonsfield
McGlauffin of Portland

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 2282) under the same title and that it ought to pass.

Signed:

Senators:

Laughlin of Cumberland
Hill of Cumberland

Representative:

Grua of Livermore Falls

Comes from the House both reports indefinitely postponed.

Mr. HILL of Cumberland: Mr. President, I move that the Minority Report "Ought to Pass in New Draft" be accepted. In explanation I might say that the new draft simplifies considerably this measure and contains only one section except the penalty and emergency clause. That one section prohibits solicitation of campaign funds by state employees and the solicitation of campaign funds from state employees. It further provides that no officer other than an elective officer shall serve as an officer of any party organization. I think that is the entire substance of the new draft.

Miss LAUGHLIN of Cumberland: Mr. President, I want to speak in favor of that resolve. It seemed to me and other members of the committee that at this time there was no real opportunity to discuss the entire question that is involved in that bill. There were some things we might properly, even at this special session, pass, and therefore, we signed the minority report "ought to pass in new draft" the substance of which is only, as I may say to the Senate, that employees of the

state, non-elective employees should not solicit money for campaign funds nor should they be subject to solicitation by others for campaign funds. That is all there is in the new draft. There is nothing else, as I recall it. It seems to me it is a simple thing which is to correct an evil which exists.

We have heard quite a bit of testimony and long reports showing that members of the state police have solicited money for campaign purposes. I know there are many others who have done this and we have not heard about them. I know many employees of the state have been requested for money for campaign purposes through their appointing power, by which, even though they didn't want to subscribe they were obliged to do so or be disfavored. It is a very simple thing we put in this new draft but we do believe it is indicative of the purpose and intention of this legislature to put an end to practices which are against the welfare and best interests of the state and clean and upright government. To that extent it does seem to me we should protect employees from being solicited for campaign funds and it does seem to me we should not permit employees to go around and solicit money for campaign funds. This new draft embodies these restrictions which I believe will show to the people of the state that this legislature has the purpose and zeal to put an end to objectionable practices, and even at this time have put in a bill which can well be considered when at this time it would be impossible to consider the whole subject. For that reason I certainly favor the motion of my colleague from Cumberland, Senator Hill, that the minority report ought to pass in new draft, be accepted.

Mr. CONY of Kennebec: Mr. President, I appeared before the committee this afternoon on this measure as did some of the other Senators and Representatives. I do not wish to say that the statements just now made by the Senators from Cumberland are not correct or to question their reasonably sound judgment but I do question this being at all an emergency at this time. This so-called evil, if it is an evil, has existed for one long time and this legislature is in special session and there is to be another one. I understand, later in the fall and there will be a regular session in

January. This bill I have not seen. I do not know whether the others have or not but it does not appear to me that there is anything under these circumstances that justifies us in passing this minor matter as an emergency matter at this time when we perhaps would be doing the greatest service by going home as soon as we can. I see nothing of an emergency nature to this bill.

I don't know why an employee of the state is any better or any worse than any of the rest of us. We have a campaign coming on and I think we have made enough admissions of guilt in these special sessions already without making any more. I do not want to vote on something I have not even seen and had not heard until a short time ago.

Mr. FINDLEN of Aroostook: Mr. President, I hope the Minority Report will not be accepted. I don't believe it has any place in this special session. I will agree with the Senator from Kennebec, Senator Cony that it may have a place in the regular session. And when the vote is taken, Mr. President, I move that it be taken by Yea and Nay vote.

Mr. MARDEN of Kennebec: Mr. President, I rise to a point of information. I understood the Senator from Cumberland, Senator Hill, to outline three sections in this new draft and I think the Senator from Cumberland, Senator Laughlin, discussed two. I would like to ask through the Chair, if I may, whether I am correct that there are three sections and if so I will ask the Senator from Cumberland, Senator Hill to review the third if he will.

The PRESIDENT: The Senator from Cumberland, Senator Hill, may answer if he so desires.

Mr. HILL: Mr. President, the Senator from Kennebec, Senator Marden, is correct in his understanding. The bill consists of one section plus the emergency clause and the penalty clause. That one section prohibits an official other than an elective official from serving as an officer of a party organization. It also prohibits the solicitation of campaign funds by state employees and of campaign funds from state employees. That is the entire purport of the measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Hill, that the minority report "Ought to Pass in New Draft"

be accepted; and the Senator from Aroostook, Senator Findlen has asked that when the vote is taken it be taken by Yeas and Nays. Before a Yea and Nay vote is ordered the assent of one-fifth of the members present is required. Those favoring a Yea and Nay vote will rise and stand in their places until counted.

More than one-fifth of the members present having risen the Yeas and Nays were ordered.

The PRESIDENT: A vote Yes is in favor of the acceptance of the "Ought to Pass" report. A vote No is opposed to the acceptance of the report.

The Secretary called the roll:

YEA: Boothby, Boucher, Chase of Washington, Dow, Hill, Laughlin, Marden, Tompkins—8.

NAY: Beckett, Chamberlain, Chase of Piscataquis, Cony, Dorr, Findlen, Friend, Kennedy, Lewis, Littlefield, Morse, Owen, Sanborn, Spear, Thatcher, Wentworth, Worthen—17.

ABSENT: Burns, Elliott, Graves, Harkins—4.

Eight having voted in the affirmative and seventeen opposed, the Minority Report "Ought to Pass in New Draft" was not accepted.

Mr. HILL: Mr. President, in view of the action taken by the Senate, I move that the Majority Report be accepted.

Thereupon, on motion by Mr. Findlen of Aroostook, the bill was indefinitely postponed.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provision Relating to the Office of Treasurer of State (L. D. 1254) tabled by that Senator earlier in today's session pending passage to be engrossed.

Thereupon, on motion by Miss Laughlin of Cumberland, the bill as amended by Senate Amendment A was passed to be engrossed.

Mr. WORTHEN of Penobscot: Mr. President, I find that there is more or less confusion and difference of opinion in regard to this and I will move that the bill be retabled until tomorrow morning.

Mr. HILL of Cumberland: Mr. President, realizing that the Senator's motion is not debatable, I ask for a division on the motion.

A division of the Senate was had. Ten having voted in the affirma-

tive and sixteen opposed, the motion to table did not prevail.

The PRESIDENT: The question before the Senate is on the passage to be engrossed.

Thereupon the bill as amended by Senate Amendment B was passed to be engrossed.

Mr. WORTHEN: Mr. President, would it be out of order at this time to offer another amendment?

The PRESIDENT: Before an amendment can be offered, a motion to reconsider should be made.

Mr. WORTHEN: I make that motion, Mr. President.

The PRESIDENT: Does the Senator wish to make the motion that the Senate reconsider its action whereby the bill was passed to be engrossed?

Mr. WORTHEN: Yes, Mr. President.

Miss LAUGHLIN of Cumberland: Mr. President, I wish to oppose that motion. We have spent a great deal of time on these long amendments and the time is getting short to submit the question of a constitutional amendment and I don't know as there is any occasion to do any reconsidering at this time. Therefore I am opposed to reconsideration. I hope the motion will fail.

Mr. SPEAR of Cumberland: Mr. President, when the vote is taken I ask for a division.

Mr. HILL: Mr. President, before voting on the motion for reconsideration it would seem to me that it would be helpful to the Senate in determining how to vote on that motion if we had some brief explanation of the purpose of the Senator's proposed amendment.

Mr. WORTHEN: Mr. President, I would be glad to read or to have read the amendment that I have if that would clarify the situation.

The PRESIDENT: To clarify the situation the Secretary will read the proposed amendment.

The Secretary read: "Senate Amendment C to S. P. 770, L. D. 1254, Resolve, Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State.

Amend said resolve by striking out the 2nd, 3rd, and 4th paragraphs thereof, and inserting in

'Sec. 1. On January 1, 1941, the following enumerated parts and words of the constitution shall cease

to be or form a part of the constitution.

1. Sections 1, 2 and 3 of part fourth of Article V.

2. The words "section one, part four, article five;" in Article XXIII.

3. Article XXVII.'

'Sec. 3 The incumbent of the office of treasurer of state on January 1, 1941 shall continue to discharge the duties of the office with all the powers and duties, and limitations previously pertaining to the office of law until such time as other provisions of law become operative which provide for the exercise of the powers and the discharge of the duties of the office of treasurer of state.'

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Worthen that the Senate reconsider its action whereby the bill was passed to be engrossed and the Senator from Cumberland, Senator Spear asks for a division.

Mr. SANBORN: Mr. President, I have refrained hitherto from entering into the discussion of this measure or from undertaking to have much to do with the parliamentary progress but I think it is only fair to say to the members that the amendment which the Senator from Penobscot, Senator Worthen says he intends to offer has been given consideration and as it seems to be understood, it is practically equivalent to the resolve in its amended form as it now stands but with one element which I believe—and others seem to agree with me—may render somewhat uncertain the effectiveness of it and that is the provision in regard to its taking effect on January 1, 1941.

I think it is proper to say that lawyers disagree and most of the lawyers are willing to admit that they entertain a real uncertainty as to the effect of such a provision. The constitution now provides that amendments may be made in a certain way, the last step being the voting on the proposition by the people, and then it provides that the amendment shall become effective when it appears that it has been adopted by the people.

Now if we undertake to tinker with this too much we may get into trouble. For that reason I should quite object to the amendment suggested which does attempt to make an amendment to the constitution effective January 1, 1941 when the

constitution says that amendments shall take effect when it appears that they have been affirmatively voted on.

And for that reason, since I believe it would be hazardous to put it forward in the form suggested by the Senator from Penobscot, I hope the motion to reconsider will not prevail.

MISS LAUGHLIN: Mr. President, I would like to add if this amendment were surely constitutional, which we doubt, and if it were in proper form, which it isn't, for submission to the people, definitely some articles would be repealed, and the effect would be the same as the bill now stands, provided it were properly drawn and provided it didn't have this doubtful provision in it. Therefore, that is why I oppose the motion to reconsider, to open up this question again at this time.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Worthen, that the Senate reconsider its action whereby the bill was passed to be engrossed. The Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had. Five having voted in the affirmative and twenty opposed, the motion to reconsider failed of passage.

Sent down for concurrence in the passage to be engrossed.

Mr. TOMPKINS of Aroostook: Mr. President, I would like to ask if Legislative Document 1260 has been returned to the Senate?

The PRESIDENT: The Chair will state that Bill, An Act Providing for the Expiration of all Orders of the Governor's Council at the end of its term (L. D. 1260) is in the possession of the Senate.

Mr. TOMPKINS: Mr. President, in explanation of the motion I will make, this was a bill introduced by me earlier in the week from the special investigating committee relative to the expiration of council orders. After that was introduced, a joint order was introduced to the

following effect: "Ordered, the Senate concurring, that the following recommendations made by the Joint Special Legislative Investigating Committee, created by Joint Order, H. P. 2254, be referred to the Committee on Administrative Code as follows, viz: (1) Relating to the reorganization of the highway department and to powers and duties of the Governor and Council in connection therewith. (2) Providing for an independent audit of the State's financial condition at the end of each fiscal year. (3) Relating to the office of Superintendent of Public Buildings. (4) Relating to the abolishing of the office of Supervisor of Motor Vehicles. (5) Creating a separate department of Motor Vehicles Registration. (6) Any other matters considered by said Joint Special Legislative Investigating Committee on which recommendations are made requiring legislative action and that said Code Committee is hereby directed to study such recommendations and to prepare such bills as may be necessary to carry them into effect; and to report such bills as expeditiously as possible to any further session of this Legislature or to the next regular session of the Legislature."

Now, this bill is far reaching and it occurs to me that it may embarrass somewhat this Administrative Code Committee in its labors, and in order that they may have a free hand in this matter, I move we reconsider our action whereby this bill was passed to be enacted.

The motion prevailed and the Senate voted to reconsider its action whereby the bill was passed to be enacted.

Thereupon, on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

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