

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

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whereby this resolve was passed to be engrossed.

Mr. MURCHIE of Washington: Mr. President, I ask for a division.

A division of the Senate was had. Eleven having voted in the affirmative and eleven opposed, the motion to reconsider engrossing did not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I move the indefinite postponement of this resolve.

Thereupon, on motion by Mr. Morrill of Cumberland, the resolve was laid upon the table pending the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Salary of Superintendents of Schools (H. P. 111) (L. D. 95) tabled by that Senator on May 12 pending passage to be engrossed.

Mr. BARNES: Mr. President, having inquired into the matter from both Senator Ela and Senator Bishop, it is my understanding that this bill with the amendment which has been adopted, has a price tag of \$32,500 and that comes within the two million dollars on the appropriation list. I move that the bill be passed to be engrossed as amended in non-concurrence.

The motion prevailed and the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Adjusting the Salaries of All Fulltime State Employees (H. P. 1735) (L. D. 1477) tabled by that Senator on May 12 pending passage to be enacted.

This being an emergency measure, a division of the Senate was had.

Twenty-four having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Resolve to Authorize a Forest Survey for the State of Maine (H. P. 1047) (L. D. 686) tabled by that Senator on May 12 pending final passage.

Mr. CROSS of Kennebec: Mr. President, regretfully I have to point out that this comes from the post war fund, and bills already obligated against that fund leave only \$29,000.

I move the indefinite postponement of this resolve.

A viva voce vote being had The resolve was indefinitely postponed.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Regulate Traveling Expenses of Members of the Legislature (H. P. 1727) (L. D. 1459) tabled by that Senator on May 12 pending the motion of the Senator from Aroostook, Senator Barnes, that the resolve be indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, at the time I made the motion to indefinitely postpone this resolve yesterday I was fully satisfied in my own mind and I am satisfied now that this matter could be taken care of without a Constitutional amendment, and that is my reason for moving indefinite postponement. Regardless of whether my belief is correct or not, there have been attorneys in both branches of this legislature who have felt that Item 12 which I thought we should pass, is not constitutional. As I say, my mind is made up but I have been wrong before and this will insure the passage of a measure that will be constitutional. Therefore, I ask leave to withdraw my motion to indefinitely postpone.

The Senator was granted leave to withdraw his motion.

The PRESIDENT: The question now before the Senate is on the passage of this resolve.

Mr. CROSS of Kennebec: Mr. President, I ask that this vote be taken by the Yeas and Nays.

Mr. HASKELL of Kennebec: Mr. President, I hesitate to vote on this resolve as a constitutional measure because I had the feeling that it has some of the restrictions that some of the other measures we are voting on her this morning have. As you know, we are substantially in the red now and this measure requires the additional expenditure of \$35,000 and that necessarily must be in the budget for the next biennium. I place it at that figure on the assumption that the next legislature

will pass legislation generally similar to the legislation sought in the statutes that apparently we intend to kill. Now if that is not the intent of the thing, I am one of those confused Senators who would like to be straightened out. On the Yeas and Nays vote for the resolve.

Mr. BARNES of Aroostook: Mr. President, I think there may be some confusion between Item 4 on the calendar which we are now considering, and Item 12. Item 4 is a Resolve proposing a change in the constitution. I can't quote it exactly but at the present time the constitution states that members of the House of Representatives shall be paid once in each session and no more for necessary traveling expenses to and from the legislature. The matter was discussed and taken up with the Deputy Attorney General, Mr. Breitbard, who made some study of the proposition and he came to the conclusion himself that the qualifying phrase "once and no more" related to the time of payment of travel expenses whatever they might be and therefore it was perfectly proper within the constitution as it now exists to pay legislators, if this Body and the other concur, actual travel expenses once each week. All I wish to point out at this time is that this resolve if we send it to the people doesn't require any additional fund at this time. It wouldn't change the financial picture at all if we kill Item 12 because the measure would have to go before the people for adoption and some future legislature, if the members felt it was right and just to do so, could enact legislation that would pay actual expenses once in each week.

I think perhaps the Senator from Penobscot, Senator Haskell, may be confused on the fact that there is no money for this resolve if we pass it. I think several other measures are going before the electorate on constitutional revision and this would not be any extra expense. Before the vote is taken on the Yeas and Nays, however, I think I should point out one thing: There was a bill before this legislature and on the table in one branch or the other relative to the salaries of the officers of the legislature. Those changes would include the Secretary of the Senate and the Clerk of the House and that seemed to be the only bill on which the germaine amendment could be added that

would take care of travel expenses for the legislature, if we were to decide it was constitutional to do so. That bill was recommitted to the Committee on Salaries and Fees and we discussed it thoroughly down there. The members of the committee were somewhat troubled as to whether or not this would be constitutional and that is how the Deputy Attorney General happened to be called in for an opinion.

I have been given to understand this morning that the officers who are included in the original bill here have been taken care of in another matter and would not object if Item 12 were rejected altogether. Personally if that comes to a vote and whether or not the Yeas and Nays are ordered, I should vote for Item 12. There is another amendment on 12 that ties in with the bill we have before us relative to the traveling supervisor of transportation who has been set up so that when men from different departments are leaving Augusta he can load two or three in one car and thus save money, and in my opinion the traveling expenses of the legislator could be taken care of under that bill. That, however, will come later.

This question we are voting on now is simply a question of whether or not in view of what may be an ambiguity in the constitution, we should make plain and clear that it is within the constitution to pay travel to a greater extent at least than is being paid at the present time.

I see no particular objection to the passage of this resolve and I will say I was somewhat amazed at the vote taken on it because even if we should decide to pass Item 12 it still might be a good idea to put Item 4, the constitutional resolve, before the public when the time comes. I hope I have made myself clear. If there are any questions I will be glad to answer them.

Miss CLOUGH of Penobscot. Mr. President, L. D. 1459 which I understand we are voting on now, is not in my book. I wonder if somebody could read me the question.

Mr. BARNES: Mr. President, I think I can state that where the constitution now says, "Once in each session and no more", the only change is "in each week". So it will then read "once in each week in each session."

Mr. MURCHIE of Washington: Mr. President, I am a little astray

on this bill and what is involved in it in the way of immediate expenditure. May I be informed as to what number that was on the Senate tabled matters on the calendar of yesterday on the list showing the seventy to eighty odd bills? I cannot find it here. If it is Number Forty-four, it calls for \$50,000 and I gather this morning from the remarks of the Senator from Aroostook that there is no expense attached to it.

The PRESIDENT: The Chair will state for the information of the Senate that you are now voting on L. D. 1459 which is a Resolve proposing an amendment to the constitution to regulate traveling expenses of the members of the legislature. Should you pass the resolve the question would be submitted to the people either at the next regular September election or at a special election to be called by the Governor and if adopted by the people, the constitution would be amended.

Mr. MURCHIE: Mr. President, we haven't paid much attention to this bill but this item says it is going to cost \$50,000 under the present program. Am I right on that? That is what I want to know. That was my reason for voting as I did.

Mr. BARNES: Mr. President, there is a price tag apparently in that item on yesterday's calendar. I cannot conceive but that must have been a mistake because like any other constitutional resolve and where there are others going to the people at the same time, I can't see how this would add any expense to the people of the state of Maine. When you come to Item 12, the price tag of \$50,000 is right on that one.

The PRESIDENT: The question before the Senate is on the final passage of the resolve and the Yeas and Nays have been requested.

A division of the Senate was had. Obviously more than one-fifth having voted in the affirmative, the Yeas and Nays were ordered.

YEA: Senators: Barnes, Batchelder, Blanchard, Clough, Cross, Denny, Dube, Ela, Greeley, Haskell, Hopkins, Leavitt, MacKinnon, McKusick, Morrill, Murchie, Savage, Spear, Welch, Willey, Williams—21.

NAY: Senators: Boucher, Boutin—2

ABSENT: Senators: Baker, Bishop, Cleaves, Crosby, Davis, Dunbar, Edwards, Noyes, Smith—9.

Twenty-one having voted in the affirmative and 2 opposed, the resolve was finally passed.

On motion by Mr. Cross of Kennebec,

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

#### After Recess

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Resolve in Favor of Portland Junior College (H. P. 414) (L. D. 244) tabled by that Senator earlier in today's session pending the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, this resolve and all it involves regarding our program today has been debated at length this morning. I am not going to attempt to further debate it. I do hope that when the vote is taken, the motion of Senator Boucher will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Ten having voted in the affirmative and fourteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Morrill of Cumberland, the rules were suspended and the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed, and that Senator offered Senate Amendment B and moved its adoption.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate I cannot believe that we have departed so far from our basic assumptions this morning. In view of the action within the last ten minutes of the other Body of this legislature I am reasonably well reconciled to the fact that new revenue sources are non-existent in this legislature. You have had what I assume is the answer to the little sheet that wasn't there put on your desks and it is pitifully inadequate and without any semblance of accuracy or certainly. I note with in-