

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

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thereof and inserting in place thereof the figures '\$110,000'

Thereupon, Committee Amendment "A" was adopted, and under suspension of the rules the Resolve was given its second reading and passed to be engrossed as amended in concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

The Chair recognizes the gentleman from Augusta, Mr. Campbell.

On motion by Mr. Campbell, the House voted to take from the table the twenty-first tabled and unassigned matter, Bill "An Act Enlarging the Territory of the York Water District" (H. P. 1711) (L. D. 1013) tabled by that gentleman on February 25th pending first reading.

Mr. CAMPBELL: Mr. Speaker and Members of the House: This is a private and special law, and, as its title implies, it seeks to enlarge the territory of the York Water District. Your Committee on Legal Affairs had some misgivings as to whether or not there was local support for the bill, and so it was reported in a redraft changing the title to indicate its purpose and including a referendum clause so that the people would have a chance to vote on it. Now as a result of that action it now appears that there are not a substantial number of people in the town who do want it. The trustees of the district are opposed to it, and so is the sponsor of the bill, the gentleman from Old Orchard Beach (Mr. Gerrish). I therefore move its indefinite postponement.

The SPEAKER: The gentleman from Augusta, Mr. Campbell, moves the indefinite postponement of Bill "An Act Enlarging the Territory of the York Water District" (H. P. 1711) (L. D. 1013). Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed and was sent up for concurrence.

On motion by Mr. Plummer of Lisbon, the House voted to take

from the table the nineteenth tabled and unassigned matter, An Act relating to Registration of Motor Vehicles by Minors (H. P. 1336) (L. D. 661) tabled by that gentleman on February 24th, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion by Mr. Stanley of Porter, the House voted to take from the table the thirteenth tabled and unassigned matter, Bill "An Act relative to Careless Shooting of Human Being" (H. P. 1476) (L. D. 887) tabled on February 24th by that gentleman pending motion by the gentleman from Aurora, Mr. Silsby, that the House recede and concur with the Senate in the reference of the bill to the Committee on Judiciary.

Thereupon, the House voted to recede and concur with the Senate in the reference of the bill to the Committee on Judiciary.

On motion by Mr. Woodworth of Fairfield, the House voted to take from the table the third tabled and unassigned matter, Resolve Proposing an Amendment to the Constitution to Codify the Constitution (S. P. 48) (L. D. 30) tabled on February 9th by that gentleman pending assignment for second reading.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed.

At the present time we have a Constitutional provision, being Section 3 of Article X, which gives to the Chief Justice of the Supreme Court power to arrange the Constitution as amended, under appropriate titles, and forth—

The SPEAKER: The Chair regrets the necessity of calling the attention of the gentleman to the fact that Committee Amendment "A" has already been adopted in the House,

and therefore a motion to indefinitely postpone is not in order.

Does the gentleman care to move suspension of the rules for the purpose of reconsideration of the adoption of Committee Amendment "A"?

Mr. WOODWORTH: Mr. Speaker, I would like to move that the rules be suspended in order that I may move reconsideration of adoption of Committee Amendment "A".

The SPEAKER: Is it the pleasure of the House to suspend the rules?

The motion prevailed.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves reconsideration of the action of the House on February 9th whereby it adopted Committee Amendment "A". Is it the pleasure of the House to reconsider its action?

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. WOODWORTH: However, Mr. Speaker, as I have said, the Constitution does contain the provision that the Chief Justice may edit the Constitution and that thereafter the Constitution as edited shall be approved by the Legislature and printed on parchment and deposited in the office of the Secretary of State.

Now the amendment to the bill itself proposes that such arrangement of the Constitution shall be made and submitted whenever a new revision of the Public Laws of the State is authorized. That would mean that every time we have a revision of our statutes the Chief Justice would do that job again, and when the new edition of the Revised Statutes was published that new revision by the Chief Justice would be in the new edition.

I was not present at the hearing, but I understood that the sponsor of the bill was the Senator from Penobscot, Senator Haskell, who reported that he had had a talk with one of the Justices of the Supreme Court and the Justice had stated his opinion that it was not wise to leave such extended power in the hands of the Chief Justice. I be-

lieve the expression was used that "we should not leave a knife lying around."

However, I am informed that since the hearing the sponsor of the bill has again talked with that Justice and the Justice has receded somewhat from his position and thought there might be some merits in the bill as it was submitted.

My motion simply asks that the bill be submitted as it is printed in L. D. 30. If we accept the amendment which is proposed, that means that every time the statutes are revised, if we want the Chief Justice to edit this Constitution over again we must again amend the Constitution, which would call for a new amendment in exactly the same terms every twelve years or more. I do not believe the people want a Constitution in which the same provision has to be amended every twelve years, particularly when after the amendment it reads just the same as it did before. If it is a good idea to have that done every time the statutes are revised, it is a good idea; if it is not a good idea, the bill is no good anyway.

I think if the amendment is not adopted we will have a better opportunity to vote on the merits of the proposition as to whether the Chief Justice should edit the Constitution every twelve years or at the time the statutes are revised.

I would say to the House that the Chief Justice has no power to make any changes in the Constitution any more than any other man, and my only purpose is to get the question fairly before the House on its merits. I thank you.

The SPEAKER: The question before the House is on the adoption of Committee Amendment "A". The Chair understands that the gentleman from Fairfield, Mr. Woodworth, moves to indefinitely postpone Committee Amendment "A". As many as are in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and Committee Amendment "A" was indefinitely postponed in non-concurrence and the resolve was tomorrow assigned for second reading.

On motion by Mr. Jewett of Manchester, the House voted to reconsider its action taken earlier in today's session, whereby Bill "An Act Creating a State Lottery Commission" (H. P. 1843) was referred to the Committee on Legal

Affairs, and on further motion by the same gentleman the bill was tabled pending reference to a committee.

The SPEAKER: If there be no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Labbe of Brunswick,
Adjourned until 10:00 o'clock tomorrow morning.