

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

Bill "An Act relating to Showing of Cattle at Fairs" (H. P. 1507) (L. D. 1102)

Bill "An Act relating to Supervision and Control of Certain State Lands" (H. P. 1551) (L. D. 1111)

Bill "An Act to Create Town of Owl's Head School District" (H. P. 1652) (L. D. 1222)

Bill "An Act relating to a Ferry Between Beals and Jonesport" (H. P. 1658) (L. D. 1230)

Bill "An Act relating to Domestic Mutual Insurance Companies" (H. P. 1687) (L. D. 1262)

Bill "An Act relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants" (H. P. 1688) (L. D. 1263)

Resolve relating to the Protection of Clams Within the Town of Freeport (H. P. 655) (L. D. 373)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole, of Gray (H. P. 1589) (L. D. 1161)

Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake (H. P. 1590) (L. D. 1162)

Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Property Formerly Owned by Anna Gray (H. P. 1644) (L. D. 1207)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Sea and Shore Fisheries Laws" (S. P. 174) (L. D. 346)

Bill "An Act to Authorize the Building of a Road Across Massacre Pond, in Scarborough" (H. P. 61) (L. D. 27)

Bill "An Act to Incorporate the George H. Robertson School District in Belfast" (H. P. 200) (L. D. 122)

Bill "An Act Creating the Maine Frozen Dairy Products Law" (H. P. 254) (L. D. 190)

Bill "An Act relating to Transportation of Poultry" (H. P. 1399) (L. D. 1012)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair lays before the House the first item of Unfinished Business on today's calendar, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of the State (H. P. 1073) (L. D. 686) tabled on March 21 by the gentleman from Baileyville, Mr. Brown, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: I introduced this bill into the Legislature because I believed that in our Constitution there is certain wording pertaining to the office of Treasurer which I do not believe works for the best interests of the State. No other office in our State government places a limitation on the terms that an officer can run. I believe, if we are going to have an efficient government, and I believe that in order to attract efficient people to hold those offices, there should not be a limitation on the length of time they can hold that office.

In making this change in our Constitution it does not in any way remove from our Legislature the power to terminate the services of an officer, of this officer in particular. Each session of the Legislature, when they convene, will have the duty to elect their Treasurer. I think it would be rather folly if our banks or any other of our financial institutions throughout the country placed a limitation on the length of service of any of their financial officers. I think this applies to any branch of industry or to any other phase of our activities, if we placed a limitation on the length of service of those who served well and served efficiently.

With that thought in mind this morning I am going to move that the Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of

State be substituted for the Committee's "Ought not to pass" report. At this time I so move.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the Resolve be substituted for the Committee Report.

The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, the founders of our Constitution were wise men. This provision was put into the Constitution so that the Treasurer could not build up the finances in such a way as to rob the State of a few million dollars perhaps.

How the thing works was demonstrated later when the Controller was given more power than he should have, and the first thing we knew a certain man named Runnells was stealing money from the State.

This was a wise move. It does not prevent a man from being Treasurer many times. It simply says that he can hold office continuously for only six years, then somebody else comes in and looks over the affairs of the office.

I do not believe in changing the Constitution of the State of Maine every time somebody has a bright idea. I am therefore opposed to the motion.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I can agree with my good friend, the gentleman from Portland, Mr. McGlaulin, in some of his thoughts, but I think if we go back to the time when the people, our forefathers of this State, drew up our Constitution, they had different conditions to contend with at that time. The Treasurer of our State at that time was practically the only finance officer that the State had. He was responsible at that time practically for the financial picture of our State. Since that time the thing has changed. I believe it was when the Code Law was accepted and adopted in the State of Maine they set up further checks on our State finances. They set up the Budget and the Finance Officers to have a complete check on our State finances, so I think we can discount that argument today.

Now they say that it does not hinder a man from running for this office at any time he may choose, but he cannot run successively. I believe one of the requirements, in taking the office of Treasurer, is that he must divest himself of all outside interests, or, in other words, no man who controls any business can assume the office of Treasurer; he must divest himself of all of that. But I wonder how many people who have got a business or other interests want to divest themselves of that just to hold down the job as Treasurer, with the salary that they are getting at the present time, knowing that after six years they must go out and re-establish themselves in business again.

So I think that the argument that our forefathers who founded the Constitution had at that time does not hold water. We have changed our Constitution a great many times, and I think our forefathers recognized the fact that they, back in those early days, could not write a document that would go down through the ages and carry the weight that they would be compelled to carry as time went on and as things progressed in this country.

Now I think we have got to recognize those facts, and when we find a condition in our Constitution that does not hold weight at this time, I think it is up to us, as legislators, to rectify that condition, and I think right here we have got a situation where it needs rectification, and I trust that the House here this morning will sustain me in my move to substitute the resolve for the "Ought not to pass" report of the Appropriations Committee.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House: It is one of the prerogatives of the State Legislature to elect a State Treasurer, together with other State officials. I fail to see any logical reason why the State Treasurer should be limited as to the tenure of his office. This office has been filled since the State of Maine has become a state by well-known and respected citizens from different parts of the

State, and with one exception, to the best of my knowledge and belief, never has an incumbent of this office been questioned, and at that time that official was exonerated in the conduct of his office.

I believe that it should remain in the Legislature to elect or fail to elect any official who holds this office. I have heard, during the last week, the expression that this is a "political plum." I do not know what they mean by that exactly but if it is a "political plum," I think that we should keep it in the Legislature because we need something to offset some of the things we have to endure.

Mr. Speaker and Members, I heartily endorse the sentiments and the motion made by the gentleman from Baileyville, Mr. Brown, and I hope that his motion to substitute the resolve for the report will prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker and Members of the House: When this particular measure was tabled some few days ago I did not have in mind saying anything about it but as I have thought the matter over, it occurs to me that in the light of present day conditions, to keep this restrictive measure in our Constitution would be a mistake. My reasoning runs along this line: Our Secretary of State, likewise our Attorney General, and I think our Commissioner of Agriculture, serve two-year terms, at the end of which time they are eligible for re-election. I believe the State Auditor serves a four-year term, at the termination of which he too is eligible for re-election. It does not seem to me to be sound, logical reasoning to say the State Treasurer, who presumably has served faithfully for three terms, particularly in view of the fact that he has been elected once, and he is a reasonably sound and decent individual or he wouldn't have been re-elected to the same office twice—to say to that man at the end of six years, "You are through"—I don't think that is a square deal.

The large corporations of this country, those concerns who depend upon their livelihood and their maintenance in business life upon a sound financial set-up based upon well recognized accounting principles of checks and balances, do not change their treasurer every four, five or six years. Consequently, I think that in this particular case the law should be changed, and I will go along with my friend, the gentleman from Baileyville, Mr. Brown.

The SPEAKER: The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the Resolve be substituted for the "Ought not to pass" report.

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: There isn't much that I can add that these gentlemen have not already said, but I believe that there is no object in penalizing one office in the State of Maine. This must go to the people for ratification, and I believe that we, in this House, should show our opinion and approval of letting the people say whether they should hold that one office restricted. The office is elected by the Legislature, and as the gentleman before me has said, if the Treasurer were not capable and efficient, he would not be re-elected, and it puts a burden upon the man who takes the office; he has to deprive himself of all outside business, and when we have an efficient man who is doing a good job, and is available, I believe that we should be empowered in this Legislature to re-employ him the same as all of the other officers.

The conditions here are so different than they were when our forefathers founded it—we have a business here of a hundred million dollars handling the finances of the State of Maine, and I don't think there is another corporation in the State of Maine that figures on changing their fiscal head every six years. It is impossible to conceive of the man who knows the workings of an organization of that size being dropped out and a new man being put in his place.

Therefore, Mr. Speaker and Members of the House, I want to go along with the motion of the gentleman from Baileyville, Mr. Brown, and I hope that the resolve will be substituted for the report.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I am a firm believer in the Constitution, and in the Constitution there is the right of referendum. We have that right in sending to the people any measure which we please, to be enacted or repealed, for their opinion, and I can trust the people. People know what they want. That is the reason why, in presenting an income tax, I attached a referendum, because I believe these matters should go to the people.

Now here is a question, and we are asking that it go to the people and allowing the voters of the State of Maine to pass on it. That is their constitutional right. It is ours, and therefore I must support the motion of the gentleman from Baileyville, Mr. Brown.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of State be substituted for the "Ought not to pass" report of the committee. All those in favor of substituting the resolve for the committee report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the resolve was substituted for the report of the committee.

Thereupon, the resolve, having already been printed, was read once under suspension of the rules and assigned for second reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the second item of Unfinished Business on today's calendar, An Act relating to Automobile Travel by State Fire Inspectors (H. P. 1194) (L. D. 759) tabled on March 29 by the gentleman from Falmouth, Mr. Dow, pending passage to be enacted; and

the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: On page 9, the seventeenth item of unfinished business refers to the same chapter and section as this one, and should L. D. 471 be enacted with the Committee Amendment already attached and two other amendments proposed, it would virtually make inoperative L. D. 759, so, Mr. Speaker, I now move that this item be tabled until such time as L. D. 471 is acted on.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the second item of Unfinished Business on today's calendar, An Act relating to Automobile Travel by State Fire Inspectors be retabled and unassigned. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

The SPEAKER: The Chair now lays before the House the third item of Unfinished Business on today's calendar, First Special Report of the Committee on Apportionment reporting two plans of allocation of Representatives (H. P. 1673) (L. D. 1244) tabled on March 28 by the gentleman from Dover-Foxcroft, Mr. Hayes, pending consideration; and the Chair recognizes that gentleman.

Mr. HAYES: Mr. Speaker and Members of the House: I move you, that the Representatives be allocated among the several counties in accordance with Plan "B".

The SPEAKER: The Chair would inform the gentleman that the House must accept the report first. Does the gentleman so move?

Mr. HAYES: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, moves that the House accept the report of the Committee on Apportionment and adopt Plan "B". The Chair would inquire from the gentleman if that is correct?

Mr. HAYES: It seems to me, Mr. Speaker, that we ought to accept the report first, perhaps.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, moves that the House accept the report of the Committee on Apportionment. Is this the pleasure of the House?