

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

The Secretary read Senate Amendment A to House Amendment A:

Senate Amendment A to House Amendment A to L. D. 603.

"Amend said amendment by striking out the paragraph designated Section 109-A and inserting in place thereof the following paragraph: 'Section 109-A. Following Fire Apparatus Prohibited. The driver of any motor vehicle shall not follow any fire apparatus driving in response to a fire alarm closer than 500 feet.'"

Which amendment was adopted, House Amendment A as amended by Senate Amendment A was adopted in non-concurrence, and the bill as so amended was passed to be engrossed in non-concurrence. Sent down for concurrence.

Bill "An Act Creating a Sewer System for Town of Winthrop." (H. P. 1629) (L. D. 1188)

Which was read a second time and passed to be engrossed as amended, in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Initiative and Referendum in the City of South Portland." (S. P. 70) (L. D. 76)

"Resolve Providing Funds to Augment Institutional Appropriations." (S. P. 292) (L. D. 651)

Bill "An Act Revising the Laws Relating to Outdoor Advertising Signs." (S. P. 326) (L. D. 728)

Bill "An Act Relating to Salaries of County Officers of Androscoggin County." (S. P. 422) (L. D. 982)

Bill "An Act Relating to Retirement of Firemen Under Maine State Retirement Law." (S. P. 526) (L. D. 1253)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

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

Which was read a second time and passed to be engrossed, as amended, in non-concurrence.

Sent down for concurrence.

Emergency Measure

Bill "An Act Imposing a Sales and Use Tax." (H. P. 1695) (L. D. 1273)

On motion by Mr. Crosby of Franklin, tabled pending enactment.

Orders of the Day

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table House Report Ought not to Pass from the Committee on Appropriations and Financial Affairs on Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of State (H. P. 1073) (L. D. 686) tabled by that Senator on April 13 pending motion by the Senator from Kennebec, Senator Tabb that the Resolve be substituted for the report.

Mr. BREWER of Aroostook: Mr. President, this bill came out of the Appropriations Committee with the Unanimous Ought Not to Pass Report. I do want to say that it is a bill which allows the Treasurer of State who is now limited to a six-year term to perpetuate his office, provided he has the consent of the Legislature. We had three bills pertaining to the Treasurer—one that would do away with the office entirely and another one that would involve an amendment to the constitution to accomplish that purpose and this one here that would perpetuate the office with the consent of the Legislature.

This, too, involves a constitutional amendment. We felt that, possibly, no change should be made at this time. I think many of you are cognizant that under the code law there is no setup for the State Treasurer, but under the Constitution it does provide that there must be a State Treasurer. So, under this setup, the duties of the Treasurer aren't too exacting and the arguments that I feel against the Treasurer perpetuating himself in office are the following:

In the first place, I feel that if he did stay in office year after year, that there would be cause for many of the banks to feel that there was discrimination as to where these deposits were made in the various And of course, as you know, the Treasurer has the responsibility

and custody of investments of millions, not only dollars but also the bonds. And we do feel that although that practice has never officially come to light that special consideration were given to different banks and different investments, that such a thing could arise with the man staying there too long.

Now the bill, in itself, wasn't written too well. It relates to Article V, part fourth, a simple one sentence section which says, "The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the senators and representatives in convention but shall not be eligible more than six years successively," and then that resolve would strike out the words, "But shall not be eligible more than six years successively." So that any treasurer, if he had the legislative vote, as I have pointed out, could serve as long as he lived.

Now, I will agree that we have other executive heads such as the Secretary of State, the Commissioner of Agriculture, the State Auditor and several others that have no specifications as to the time they will serve. Nevertheless, I would call to your attention that this particular office has been set up this way for 130 years and I know that there has been considerable lobbying done on this bill and the one thing that has surprised me—I am rather amused. I can't think of any head of a department that could lobby and not cause any more comment. In fact, I couldn't think of any other one that suddenly there wouldn't be reverberations in the Legislature and possibly go off in the top of the capitol dome. But nevertheless, this didn't happen in this particular case. I am not criticizing, but I am amused at the results.

So, I say, I believe that we did consider these three bills and so I move that the Ought Not to Pass Report of the Committee be accepted.

The PRESIDENT The Chair will state that the pending question is on the motion of the Senator from Kennebec, Senator Tabb to substitute the bill for the Ought Not to Pass Report of the Committee.

Mr. BREWER of Aroostook: Well then, Mr. President, I move that the bill be not substituted for the Report.

Mr. WARD of Penobscot: Mr. President, I would just like to say a word in support of the motion of the Senator from Kennebec, Senator Tabb. Prior to the adoption of the Code, perhaps there were good reasons for this limitation. Since the adoption of the Code, personally, I see no reason for it. So far as I know, it is the only office in the State that has such a limitation. And if the State Legislature sees fit to continue the office and not adopt a constitutional amendment which would eliminate it, then I see no reason for continuing this particular limitation.

So far as perpetuating himself in office, the Treasurer of State is elected every two years by the members of the Legislature and it is entirely up to them whether the man shall hold office one term or longer and I hope that the motion of the Senator from Kennebec prevails.

Mr. BROGGI of York: Mr. President, will you let me know what the prevailing motion is?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Tabb, that the resolve be substituted for the Ought Not to Pass report of the committee. Is the Senate ready for the question?

A viva voce vote being doubted.

A division of the Senate was had.

Seventeen having voted in the affirmative and ten opposed.

The motion to substitute prevailed.

Thereupon the resolve was given its first reading and tomorrow assigned for second reading.

Mr. HASKELL of Penobscot: Mr. President, at the conclusion of a few very brief comments, I will offer Senate Amendment "A" to this constitutional resolve and before I make a motion that the amendment be adopted, I will explain it.

The resolve as written has a title, "Resolve Proposing An Amendment to the Constitution to change the Term of Office of the Treasurer of State." Personally, I don't

believe that is what the intent of the resolve is. I believe the intent is better expressed by these words, "Resolve Proposing an Amendment to the Constitution to Remove the Provision That the Treasurer Shall not Be Eligible to More Than Six Years Successively in office," I believe that because we are not changing the term of office, it will still remain two years. The second section of the amendment is technical only in that the original resolve was drawn to tie in with the present constitution.

The Second section of this amendment will remove the words that refer to the 27th Amendment to the Constitution which is written out Murchie version. That is purely technical. The important section of the amendment changes the question. The question in the original bill again asks the people to vote on the question of changing the term of office. We have been criticized rather frequently in this session by the Senator from Knox, Senator Sleeper, that we put up these questions and they are confusing. So, this suggests the following question:

"Shall the constitution be amended as proposed by a resolution of the legislature to remove the provision that the Treasurer shall not be eligible more than six years successively?"

I can state to the Senate that the person most interested in the measure agrees that that is more objectively stated and I can further tell the Senate that I had special permission of the Senator from Kennebec, Senator Tabb, to go out and have that amendment drawn and brought in here to be offered. I now offer the amendment.

The Secretary read the amendment: Senate Amendment A to L. D. 686. "Amend said Resolve by striking out the title and inserting in place thereof the following. 'Resolve Proposing an Amendment to the Constitution to Remove Provisions that the Treasurer shall not be Eligible More than Six Years Successively.'

"Further amend said resolve by striking out the third paragraph thereof and inserting in place thereof the following paragraph. 'Section

1. Treasurer shall be chosen biannually at the first session of the legislature by joint ballot of the Senators and Representatives in convention."

"Further amend said resolve by striking out the third paragraph from the end and inserting in place thereof the following paragraph. 'Shall the Constitution be amended as proposed by Resolution of the legislature to remove the provisions that the Treasurer shall not be eligible more than six years successively?'"

Which amendment was adopted and the resolve as so amended was tomorrow assigned for a second reading.

The PRESIDENT: The Chair would remind the Senate that as of today we have eighty-eight matters on the table.

The Chair will appoint as Senate conferees on the Committee of Conference on bill, An Act Relating to Driving Deer, Senators Ela, Smart and Wight.

On the disagreeing action of the two branches on bill, An Act Relative to Fishing Contests, the Chair will appoint Senators Ela, Smart and Tabb.

On motion by the Senator from Cumberland, Senator Allen, the Senate voted to take from the table House Report Ought to Pass As Amended by Committee Amendment A, from the Committee on Transportation on Recommitted Bill, An Act Relating to Signals for Stopping and Turning Motor Vehicles (H. P. 93) (L. D. 38) tabled by that Senator on April 26 pending acceptance of the report; and on further motion by the same Senator, House Amendment A was adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table bill, An Act Relating to Taxation of Bottled Gas Equipment (H. P. 1331) (L. D. 894) tabled by that Senator on April 16 pending adoption of Committee Amendment A.

Mr. SLEEPER of Knox: Mr. President, I tabled this matter so