

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

Mr. SHESONG: How long is it contemplated this project will continue?

Mr. LaFLEUR: The project, as I understand, is fifty per cent completed. You realize at the present time they will have to curtail the work in the northern counties, but it is hoped that it will be completed in the next fiscal year, 1940-1941.

The SPEAKER: Is the House ready for the question?

Mr. HINMAN of Skowhegan: Mr. Speaker, before you put this question I think perhaps I should state that in the appearances of those interested in the Legion during the regular session of this Legislature before the Committee on Appropriations and Financial Affairs, it was given as their judgment — I do not know whether they did or did not make the definite statement—but certainly they were sincere in the belief at that time that we would get eighty thousand dollars for five thousand. Be that as it may, the project either has merit or it has not merit, and if it has merit, which would be assumed by the fact that we have already put five thousand dollars into it, and even though we are not getting the proportionately large allotment from the Federal Government that we originally anticipated, it must still have merit, and I hope that we may pass the Bill to be engrossed and carry it to completion.

The SPEAKER: The question is on the passage to be engrossed of Bill "An Act Relating to Registration of Veterans' Graves" (S. P. 774). All those in favor of the passage of the Bill to be engrossed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the Bill was passed to be engrossed in concurrence.

**Passed to be Enacted
(Out of Order)**

An Act Providing for the Expiration of All Orders of the Governor's Council at the End of Its Term (S. P. 777) (L. D. 1280)

Sent up for concurrence.

**Resolve on Its Final Passage
(Out of Order)**

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)

Mr. PAYSON of Portland: Mr. Speaker, in order that I may present an amendment to this Resolve, I move that the House reconsider its action of today, whereby this Resolve was passed to be engrossed.

Thereupon, the motion prevailed, and the House reconsidered its action taken earlier in today's session whereby the Resolve was passed to be engrossed.

Mr. Payson then offered House Amendment "A" and moved its adoption.

House 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 inserting after the 4th paragraph thereof the following:

'This and the three preceding paragraphs shall take effect as part of the constitution on January 1, 1941.'

Mr. PAYSON: Mr. Speaker, I move that the rules be suspended to permit consideration of the amendment without reproduction.

The motion prevailed.

Mr. PAYSON: Mr. Speaker, I wish to say that the change which is made here is no change at all in the constitutional provision; it is purely a legal and technical proposition and leaves the Resolve exactly as it was intended to be before. It simply makes the act effective as of January 1, 1941, as the Resolve appears before you now, but for technical and legal reasons it was necessary to make this change.

The SPEAKER: The question is on the adoption of House Amendment "A". Is it the pleasure of the House that House Amendment "A" be adopted.

Thereupon, House Amendment "A" was adopted and the Resolve as amended was passed to be engrossed in non-concurrence and sent up for concurrence.

Mr. COWAN of Portland: Mr. Speaker, a point has been raised in regard to the amendment which has just been adopted. Did I understand it is to be effective January 1st?

The SPEAKER: The Clerk will read the pertinent part of House Amendment "A."

(House Amendment "A" read by the Clerk)

Mr. COWAN: Mr. Speaker, may I ask a question of the gentleman from Portland, Mr. Payson?

The SPEAKER: The gentleman may ask his question.

Mr. COWAN: Mr. Speaker, the question is whether the gentleman from Portland, Mr. Payson, took into consideration the fact that the new administration will not come in until January 5th. Whether or not it might be wise to have it January 5th instead of January 1st. There would be an interim when we would have no State Treasurer.

The SPEAKER: The gentleman may answer if he desires.

Mr. PAYSON: Mr. Speaker, I cannot see any practical difficulty in the proposition as it is set up now. I recognize the situation which has been referred to but as a practical proposition I cannot see where there would be any practical difficulty with it now as it is set up.

Mr. LaFLEUR of Portland: Mr. Speaker, may I ask a question of the gentleman from Portland, Mr. Payson, through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. LaFLEUR: Mr. Speaker, I would like to inquire if the proposed amendment, this constitutional amendment, is passed by this House, who in fact will appoint the new Treasurer, the present Governor or the new Governor?

The SPEAKER: The gentleman may answer if he wishes.

Mr. PAYSON: Mr. Speaker, may I say that if the incoming Governor does not take office until January 5th, the present Governor would make the appointment.

Mr. LaFLEUR: Mr. Speaker, may I ask this question: Would it not be better for the new Governor to make the appointment for the new administration?

Mr. PAYSON: Mr. Speaker, I had assumed for all practical purposes that is the way it would be made.

Mr. LaFLEUR: Mr. Speaker, may I ask the gentleman (Mr. Payson) if he has any basis for that assumption?

Mr. PAYSON: Mr. Speaker, if the gentleman means have I inquired of the Governor, I have not.

Mr. LaFLEUR: Mr. Speaker, may I inquire if there is any reason why it cannot be made January 5th?

Mr. PAYSON: Mr. Speaker, the appointment under this Bill would be made by the Commissioner of Fi-

nance in any case and not by the Governor.

Mr. MARSHALL of Auburn: Mr. Speaker, may I inquire of the gentleman from Portland, Mr. Payson, whether or not the matter under consideration at this moment applies to any appointment by any officer?

Mr. PAYSON: The Resolve before the Legislature at this moment is purely a constitutional amendment and has nothing to do with the Treasurer of State. It simply repeals the former method of electing the State Treasurer.

Mr. LaFLEUR: Mr. Speaker, may I ask another question of the gentleman from Portland, Mr. Payson?

The SPEAKER: The gentleman may ask his question.

Mr. LaFLEUR: The present incumbent will hold office until January 5th under the present law, is that correct?

Mr. PAYSON: I would assume he would not. I would assume that if the legislation which is now pending in the Senate and which probably will be considered by these bodies after the election in September to determine whether the people would like this resolution or not, will then provide for appointment by the Commissioner of Finance. I assume on January 1st, 1941, the Commissioner of Finance would make the necessary appointment.

Mr. LaFLEUR: May I ask one more question. Have you any objection to changing the date January 1st, 1941, to January 5th, 1941?

Mr. PAYSON: I will have to admit that I do not know whether there is anything in the mechanical arrangement that would cause a hiatus or not. I would have to examine the law.

The SPEAKER: The House may be at ease.

House at Ease

Called to order by the Speaker.

Mr. PAYSON: Mr. Speaker, may I suggest to the gentleman from Portland, Mr. Lafleur, that I have consulted the calendar and find that the Governor does not take office on the 5th but on the 2nd. The first Wednesday in January is the first day of the year, January 1st.

Mr. LaFLEUR: Have you any objection to changing it to January 2nd?

Mr. PAYSON: The term of office

of the present Treasurer will expire the 1st, and the appointment, I assume, can be arranged among reasonable men.

Mr. LaFLEUR: May I inquire the proper procedure to change it from the 1st to the 2nd?

The SPEAKER: If the gentleman desires to introduce a second amendment, he would have to move for the reconsideration of the action whereby the Resolve was passed to be engrossed.

Mr. LaFLEUR: Mr. Speaker, I will so move.

The SPEAKER: The Chair would call to the gentleman's attention that the term expires on January 1, 1941.

Mr. LaFLEUR: At what time?

The SPEAKER: The Chair is of the opinion that if such an amendment were adopted a Legislative election would be necessary for the period of one day.

Mr. LaFLEUR: Mr. Speaker, I move that the Resolve be tabled.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the Resolve be laid on the table pending that gentleman's motion that the House reconsider its action whereby the Resolve was passed to be engrossed. Is this the pleasure of the House?

Thereupon, the motion prevailed and the Resolve was tabled pending the motion by the same gentleman that the House reconsider its action whereby the Resolve was passed to be engrossed.

The SPEAKER: The Chair will announce that the Unemployment Compensation Bill, which is of great importance, is expected from the printer within the next hour or two.

Mr. VARNEY of Berwick: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. VARNEY: Mr. Speaker, it appears that there are several matters still pending and it probably will not be possible to recess before tomorrow. It is important, however, that certain matters be gotten to the stage of sending them down to the Engrossing Department and, for that reason, it seems important that

we hold a session this evening. I therefore move, Mr. Speaker, that we now recess until seven o'clock, Standard Time.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House now recess until 7 o'clock, Eastern Standard Time, 8 o'clock Daylight Saving Time. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

Evening Session—7 P. M.

Called to order by the Speaker.

Passed to Be Engrossed (Out of Order)

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

The Bill was given its three several readings under suspension of the rules, passed to be engrossed and sent forthwith to the Senate.

The SPEAKER: The Chair places before the House S. P. 784, L. D. 1262, "An Act Relating to Oak Grove School," tabled earlier today pending assignment for third reading. The Chair recognizes the gentleman from Portland, Mr. Cowan.

Thereupon, the rules were suspended in order to permit that gentleman to offer House Amendment "A" without reproduction.

Mr. Cowan then offered House Amendment "A" and moved its adoption.

House Amendment A to S. P. 784, entitled, "An Act Relating to Oak Grove School."

Amend said bill by striking out in the 10th line thereof the word "trustees," and inserting in place thereof the word "corporation," and by striking out in line 10 the word "are" and inserting in place thereof the words "is hereby."

House Amendment "A" was then adopted, and under suspension of the rules the Bill as amended was given its third reading and passed to be engrossed in non-concurrence and sent forthwith to the Senate.

On motion by Mr. LaFleur of Portland, the House 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) ta-