

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

Paper from the Senate, out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that the Governor be requested to return to the Senate S. P. No. 777, L. D. No. 1260 An Act providing for the Expiration of All Orders of the Governor's Council at the End of its Term (S. P. No. 786).

Comes from the Senate read and passed.

In the House, a viva voce vote being taken, the Order received passage in concurrence.

On motion by Mr. Varney of Berwick,

Recessed until 7 P. M. this evening.

Evening Session—8:45 P. M.

Called to order by the Speaker.

Paper from the Senate, out of order and under suspension of the rules.

From the Senate:

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) which was passed to be engrossed in the House as amended by House Amendment "A" on July 24th.

Comes from the Senate with House Amendment "A" indefinitely postponed in non-concurrence, and the Resolve passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House to recede from its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A," and concur with the Senate in the indefinite postponement of House Amendment "A" and in the passage of the Bill to be engrossed as amended by Senate Amendment "B"?

Senate Amendment "B" read by the Clerk.

Mr. PAYSON of Portland: Mr. Speaker, in order that the House may have an understanding of what this amendment means, may I say, first, that it has been carefully considered by the Committee who presented the resolution and it has their approval.

To take it up paragraph by paragraph, and not in any detail on those paragraphs, you will find that the fourth section of the Constitution which was originally repealed, is stricken out of the repealing part, so that it will stay in the Constitution. That section provided that money should be withdrawn from the State Treasury only on warrant of the Governor and Council and only on appropriation legally made.

The provision of the warrant of the Governor and Council is scarcely observed now and has not been for the past eight years. The warrant of the Governor and Council which is used today is the quarterly work allotment which is made up for each department at the beginning of each quarter, so that they know how much they have to spend. That quarterly work warrant that is approved by the Governor and Council is called the warrant, but the old warrant of the Council, the detailed list of expenditures, is no longer used. Where it says in the Constitution "under provision legally made" or words to that effect, that is covered twice by the statutes, and it was felt by some who were careful that some Legislature might at some time get careless and repeal those legislative enactments, and it was felt that there was a safeguard in holding the Governor and the departments to these appropriations by a constitutional provision which is not so easily repealed, therefore Section 4 of the Constitution in this part is left in.

The next paragraph which says: "Further amend said resolve by striking out in the third paragraph thereof the words 'section four, part four, article five' simply ties back to the first section, as I explained, simply changing "annual" to "bi-annual." That is purely a formal change.

The last part of the amendment is intended to make sure that there cannot be any hiatus in the office of Treasurer of State. If by any chance the Legislature should fail to enact legislation to provide for a different Treasurer of State after the constitutional amendment had gone into effect, if adopted by the people, the old Treasurer of State, the present incumbent, would hold over until such time as the Legislature had made provision, so that if, by mechanical reasons or other reasons, the Legislature failed for a few days to appoint a new Treasurer,

there would not be a hiatus and pay checks and the business of the State would not be held up.

These changes are purely formal, and do exactly what it was intended to do in the resolution in the first instance, and they meet with the approval of the committee.

I want to say to you further that not ever in my political experience have I met with the skullduggery that has been practiced in trying to sabotage this resolution. I have had the pleasure of talking with members of this House and the Senate who told me frankly that they didn't like it, and we talked it out. But around this Legislature there has been work going on in the corridors and halls, skillful work, the most skillful I ever saw, nice undercover, knife in the back stuff. I don't know whether it is for personal reasons, I don't know whether it is for political reasons or whether it is just political skullduggery. I have simply pointed out to you what has happened and what you will run up against. It will happen again tomorrow, somebody will be around raising the devil as to whether this amendment is now in proper form. Then he will want to offer another amendment and keep on offering other amendments until you get tired and sick and go home and leave it on the table. They will not come out and meet you in a fair fight and go to bat, but will try to skuttle you from underneath.

The SPEAKER: The question is whether the House will recede from its former action and concur with the Senate in the passage of the Bill to be engrossed as amended by Senate Amendment "B."

Mr. HINCKLEY: Mr. Speaker, this is the first matter that the Code Committee, so-called, has presented in this Legislature.

The Code Committee, so-called, has probably not worked as hard or as long as the Investigating Committee—there is no question about that—but this Code Committee has worked just as faithfully as the other Committee, and we have just as honestly presented something for the consideration of this Legislature.

I, for one, did not have any doubt whatever that this legislation would meet with the unanimous approval of this House and Senate. The Committee had no doubt of it, because, after the things that have been di-

vulged on this floor in the last few weeks, we thought the Legislature was about ready for some action of this kind, and we have therefore brought in the proposed amendment to the Constitution.

Now this proposed amendment simply takes the matter of the election of the Treasurer out of the hands of the Legislature and puts it in the hands of what I consider a responsible head. If anything goes wrong in the Treasury of State, if this amendment is adopted by the people, then we shall know where to look for curing things when they go amiss. If it is in the hands of the Legislature, no one is responsible for the Treasurer if he does not do his job. If it is in the hands of the Governor or the Commissioner of Finance, all of us will know where to put the responsibility if everything is not all right. That is what this Committee is trying to do by this proposed amendment. We do not believe that it should be left in politics any longer.

The Treasurer of State is an important office, and I think every member of this Legislature wants to see that we get a man who is qualified for that position. Now it does not necessarily follow, of course, that if the Governor or the Commissioner of Finance appoints a Treasurer, that you will get the best man, but the chances are better that you will have such a man.

I will tell you frankly, when I came down here at the first of the last regular session and the name of Belmont Smith was proposed as Treasurer of State, I had never heard of Belmont Smith, I did not know what his qualifications were, and that is true, I think, of a large number of the members of this Legislature. We do not know the qualifications of the men we vote for, and consequently we do not get the proper man in many cases. I am saying nothing whatever at this time about Belmont Smith, but that is true to a large extent. We are trying to correct such a situation as that. I agree with the gentleman from Portland, Mr. Payson, when he says that there is some funny business going on in this Legislature. That is the extent of my remarks in that regard—"funny business."

I will say that Brother Gillin, who apparently at the present time is lobbying against this measure, appeared before Committee, or certain members of this Committee, in the office of the Revisor of Statutes, and

went over the matter, in what was apparently a friendly manner, trying to help the situation, and trying to get us to present a Bill which would meet with the approval of this body and apparently he was doing that with a helpful purpose. I have since discovered that Mr. Gillin is lobbying against the Bill that he apparently was befriending a short time ago, and it is my belief that he is doing it for one sole purpose, and that is to keep his client in office just as long as possible, because he knows that if the people adopt this amendment, then his client certainly will be out of office.

Now, as I say I have no brief for or against Mr. Smith. He is personally friendly to me, but I do say to you that I do not like that kind of business, and I do not think that the members of this Legislature like it. I, for one, want to get it out of politics, because I have no interest in politics in an office like that, therefore I hope that this amendment will be adopted and the Resolve receive passage.

Mr. FARWELL of Unity: Mr. Speaker and members of the House: When we sat up this so-called Administrative Code Committee, it was the purpose of that Committee and the thought of that Committee to study the various administrative offices and the statutory law pertaining to the same in the State of Maine. We have devoted a great deal of time to this and very carefully considered various matters in regard to the same, and we saw what we believed to be the necessity that we should, at this session of the Legislature, recommend some change in the financial part of our State government, namely that of the State Treasurer. I felt at that time that the people of the State of Maine demanded of this Legislature some change in the office of State Treasurer, whereby the Treasurer of the State of Maine could be held responsible to some man and not to the entire State, and there was no responsibility placed upon the office of Treasurer under your present set-up. Under your Code there were conflicting duties with that of the constitutional provisions of the office of State Treasurer.

We are offering to you at this time only a constitutional amendment whereby you may put this in front of the people of the State of Maine, that they may tell this Leg-

islature whether or not they want the new set-up in the State Treasurer's office. We will, at some time in the future, offer a Bill setting up a Department of Treasury, but this Bill that we are considering tonight is merely a constitutional amendment that we are submitting to the people, asking them, "Are you satisfied with the State Treasury set-up at the present time?" And, if they tell us "yes," then we will offer no other Bill, and if they tell us "no," then we are prepared to offer a Bill to this Legislature for their consideration, that we may give the people of the State of Maine what they want, and that we may definitely place the responsibility of the State Treasurer on somebody in the State who may say to him "you are or you are not doing your duty." And I defy anybody on the floor of the House to show me where the responsibility for the Treasurer of the State of Maine now rests unless it is in this Legislature, and I do not see that the State Treasurer is held accountable to us for anything that might be done under the provisions that now exist. Your Code Committee is recommending to you their honest convictions, after a great deal of study, as to the best set-up for the State Treasury, and we ask you to give us a chance to submit it to the people and let them tell you whether or not they are satisfied at the present time. (Applause)

Mr. MARSHALL of Auburn: Mr. Speaker, I want to be not guilty of the charge that has been made by one of the previous speakers that anyone who took the opposite view of this situation was guilty of skullduggery. I am here to say what I think on any particular piece of legislation, and the mere fact that anyone on the floor of this House is rooting for it does not interfere with my rights to state to this body my convictions.

To show you that I am acting in good faith, I will say that I interviewed the Senator from Portland, Senator Laughlin, to find out in exactly what shape she felt this Bill should be in before it was submitted to the people in September, and I learned that she wanted this particular amendment, Senate Amendment "B", to the Bill, and she told me that any other amendment to the Bill would sabotage it. And I told the Senator from Cumberland

that I would help and vote for Senate Amendment "B" to this Bill in order that this issue will be clearly before the people in September, if we submit the matter to the people in that month.

Now any other amendment that has been adopted, as I understand, would interfere with the efficacy of the Bill.

Now I am not for any other amendment, but I am for this amendment, to keep my faith with Senator Laughlin. But, after this amendment has been offered and accepted by this body, I am against the whole business and I will tell you why.

In the first place, this legislation is aimed to correct something, but what does it correct? It abolishes the office of State Treasurer. I am for that. We apparently do not need a State Treasurer. But in the next breath they tell us we do need a State Treasurer, and that we are going to have some kind of legislation later on proposed to us to get it, and we already have it on our desks today. How are we going to get it? Through the automatic automatic.

I am reminded of the man who ate sixteen steaks for dinner, and the waitress said to him, "My good man, you must love food." "No," he said, "I like barcarbonate of soda," (laughter) because the Legislature here is surrendering its right and privilege to select a State official to the Commissioner of Finance of the State, who is appointed by the Governor and Council.

Now all through the Belmont Smith hearing—and I heard the testimony, at least the most of it, and I was about sick when we got through with it, but all through that hearing the charge was being made that a certain Mr. Runnells, who was found one day some distance away from the State House with a little brown bag with a lot of money in it and later was charged with crime, and the charge was made that he dominated the whole structure of this edifice and all the offices in it. And you are doing the same thing on this Bill today that was allegedly charged against Mr. Runnells in that set-up before this scandal previous to our coming here.

Now what do you do? You set up a Finance Commissioner appointed by the Governor and Council. I have no quarrel with the

present Finance Commissioner; he is a very honorable and splendid man. I do not know how long he may be there; he may accept some more lucrative financial position. But, whoever he may be, he appoints the State Treasurer. Show me how Mr. Runnells enjoyed any more protection than that which is given by this new set-up proposed to us under this whole scheme!

Now then, if we want a good State Treasurer, I have got an idea of how we can get one. We can amend the Constitution of the State of Maine, and we can say that the Treasurer of the State of Maine shall have certain qualifications to make him eligible for the position. We can say that he shall have spent so many years as an officer in a savings bank or trust company or national bank in our State, that he shall have had experience in the investment of trust funds, that he shall have attained a certain age, and that he shall have no record of having broken the laws of this State or any other State; that he can serve as long as he maintains himself in good behavior, and that he shall receive sufficient wages for the task and duties that he has to perform. Why does not that solve the whole thing, and you have not got to worry in this Bill about what his qualifications shall be, but the Commissioner of Finance can name anybody in the State of Maine, even the man who was last excused from State Prison in Thomaston, for this job.

I do not care what Mr. Gillin is up to. I met him in the corridor and he never said a word to me. But I am not going to be pushed down in my seat and have this thing hauled down over my ears with the charge that somebody was lobbying down here. That is nothing new. There is lobbying everywhere but that does not stop me, because I am interested in this legislation and in having legislation so that we can get a good State Treasurer.

As far as Belmont Smith is concerned, I owe him no fealty. He was as friendly with me as anyone in this Legislature; I do not want to go into that feature of him. As far as Belmont Smith is concerned, his task and duties will be ended the 31st day of December of this year, and you people who are coming back here will decide who you

are going to have after that. I understand he is not even a candidate. You will have the say of who you want.

There is one other thing I want to say: In the other end of this building, at the far end of the corridor, a man told me "Why, you people over there in the Legislature ought to make this change because the people of the Legislature do not know enough to get good men for State jobs." That may be true, Mr. Speaker and members of the House, but I will be darned if I am going to admit it. (Applause)

Now we are going to be in session tomorrow. I am going to ask for a division on this particular issue. I told Senator Laughlin, and I believe she will agree with me now, that I am willing to have this thing set up with her amendment attached to it. I haven't even whispered or lobbied or asked anyone how to vote on this particular matter, but I am concerned about it, and I am concerned in the way in which it comes about. I do not distrust anybody in any way, shape or manner, but when anybody thinks I am going to sit down in my seat and take something because somebody is lobbying here, that doesn't go with me, and I am going to ask, when we get ready to vote on this thing, that we adopt Senate Amendment "B" and that we defeat the reference of this charge, and tomorrow, if I am here, I will propose an amendment to the Constitution setting up the eligibility and qualifications of the man to be Treasurer of the State of Maine, with no tenure of office except good behavior and a reasonable salary. And what more ought we to have for a man in the State Treasurer's office? But he should not be under the domination of the one man who is really the Manager of the State of Maine, the Commissioner of Finance. I believe the office of Treasurer of the State of Maine, under our present set-up, should be independent, and I say, "Keep him here and use good judgment in your selection." (Applause)

Mr. GOOD of Monticello: Mr. Speaker, I feel practically the same as my brother over here. I have been reluctant to say anything during this special session. I feel that this Committee has been honest and conscientious in trying to work out something to help us out of this

terrible situation that we have been in. I am opposed to any such amendment to the Constitution. Why should we come in here at a special session and revamp or amend the Constitution of the State of Maine? We have seen what has been done in Washington for the last few years in trying to amend the Constitution and there has been a great scrap over it. Why should we try to amend our Constitution now? I do not feel that a special session is any time to do that. I do not think that it is right or fair.

Now they talk about taking politics out of it. You might as well try to take the water out of the Penobscot River as to take politics out of State government today. They talk about the responsibility resting on someone. The responsibility rests on the Legislature. We had a hearing a few weeks ago to tell the people and tell the Treasurer of the State of Maine how we felt about that matter. I feel, as to a Commissioner of Finance, if we could get the right man, I see merit in the Bill, but as to taking politics out of it, that cannot be done, members, in this day and age. Therefore I am opposed to it and I ask the indefinite postponement of this Bill.

Mr. BIRD of Rockland: Mr. Speaker and members of the House, I think this is a matter of so much importance that it is not for us to say whether or not there shall be a Constitutional amendment. We want the opportunity to present it to the people. I am a member of the Code Committee and we have given it a great deal of study. If you think our judgment is no good, do not support the bill. We are not saying we should have the Constitutional amendment. We are saying here if we vote for this Bill; we are saying that the people ought to vote upon it. Let the people vote on it and if they do want it, let them tell us so. If they do not want it, that ends it. There is nothing in this Bill as to whether or not if the Constitution is amended it is going to go to the Finance Commissioner. It is just to determine if this Constitutional amendment shall be made. Then we can take the next question up when we come to it, step by step. I say that we are not the only ones involved. The citizens of the State are involved and they should have an opportunity to vote upon it. If they say no, that ends it. Let's give them an opportunity.

Mr. BROWN of Caribou: Mr. Speaker, it may be true what some previous speaker said that there is lobbying going on in the halls and skullduggery, but no lobbyist has approached me on either side of the question. The thoughts which I have are my own and I would like to take the pleasure of expressing them. I am not unalterably opposed to this Bill but I do not believe, in a special session, at this late hour, that we should be called upon to vote upon as important a question as changing the Constitution, or one part of the Constitution which has existed for one hundred and twenty years, and expect us in half an hour to give it the careful consideration which we should give to any Bill which we pass on to the people with our recommendation, because when we pass it, if we pass it at all, it must be by two-thirds, and we are saying that we are in favor of these changes. We have no right to say that we are in favor of it until we have had time to consider it and to discuss it and give it more study than we have on this occasion. I believe a regular session of the Legislature could properly take this up but not at a special session.

Like my colleague here, who expressed himself much more forcefully and eloquently than I can do, I am not in favor of surrendering the rights of the people to a centralized form of government. You will always have politics in government as long as you have a Democratic form of government. When you cease to have politics in government, you will have a totalitarian government and dictatorship. The totalitarian states in Europe continued to give away more and more of their rights until they had given them all away. We have gone a long ways along that road in the Federal Government of the United States, and we Republicans are opposed to that centralized power in the Federal Government and I, for one, am opposed to centralized power in the State House.

There is no more reason why we should delegate the right to name the Treasurer to any one man than there is to delegate the right to pick all State officers. Why not delegate to the Governor and Council the right to pick the Secretary of State, the Commissioner of Agriculture and other officials that are now elected by the Legislature? Until such time as we have

had time to discuss this matter in a regular session, I shall oppose the Bill. Therefore when the time comes, I will vote against the Bill.

Mr. BUZZELL of Belfast: Mr. Speaker and members of the House: It was not my purpose to say anything on this Bill, but since someone has said a word or two about lobbys in the Legislature, and having had some experience in 1917, I was surprised to think that there was such a thing in our midst as a lobbyist. Why, any one of us who has arrived at the age of maturity knows that we have had lobbyists in the Legislature ever since the Legislature began.

They neither eat nor sleep when they can work to advantage and we all know it. But there are, I trust, enough of us that do not permit that to warp our judgment. At the present time, as I understand it, this Legislature has batted five hundred per cent. We have tried the Treasurer of State and killed the Deputy Treasurer of State. Isn't that enough? Don't you feel you have done pretty good? You haven't even sent flowers to the family. You know what I mean, every one of you.

Now it seems to me that you want to amend the Constitution. I want to pay a word of tribute to both of these Committees. They have worked hard and they have worked well. They have done their best and much good is going to come out of their recommendations. But after the Legislature elected the Treasurer of State and he assumed his duties, it appears that the Controller's office was about forty-two feet and eight inches from the Treasurer of State's office, and under that condition we all know who got away with about \$157,000 pretty successfully. I am in favor of keeping the control of the appointment of the Secretary of State and the Commissioner of Finance and the appointing powers just as far from one another as I can and they will get together soon enough probably then. (Laughter).

It has been whispered from over on the other end of the Capitol that it was the judgment there that the Commissioner of Finance should have the appointment of the Treasurer of State. Now I do not agree with them, because the Commissioner of Finance would appoint the Treasurer of State and the Treasurer would feel as if he ought to be

favorable to him and then they might get away with still more money. I am not in favor of this Bill or the appointment of the Treasurer of State in any such way. I want to go hand in hand with the gentleman from Auburn, Mr. Marshall. I do not care how much you amend the Constitution, that is all right, but put a qualifying clause in there, that the Treasurer of State shall be such and such a kind of man.

We tried Belmont Smith here and did not find evidence enough to create a finger of suspicion pointing at him, and now we are getting at him again in the third inning of the third special session, and I do not think it seems just right. We exonerated him and he is now serving as Treasurer of State. Now Belmont Smith means nothing to me. Other friends that might be lobbying here are just friends, but their ideas mean nothing to me. I am in favor of the amendment. I would like to see it tacked on there solidly and then I will vote to indefinitely postpone the whole thing.

Mr. GRUA of Livermore Falls: Mr. Speaker, as a member of this Code Committee who studied this matter and submitted these things to you for your consideration, I feel that I probably ought to add my voice to what has been said in regard to it. I hope we do not get confused here and feel that we are trying some Treasurer of State for his misconduct or that we are passing on the method by which the Treasurer of State shall be appointed or any of those various things. I would like you to understand that we are simply asking: "Would it not be wise for us, in view of what happened at Augusta, to submit to the people of the State of Maine a chance to vote on the amendment to the Constitution, as to whether or not the Treasurer shall be taken out of the Constitution and the Treasurer appointed in some other way?" Have we, as Representatives, the right to deny our constituents the right to vote on such a proposition? We are not, in our voting, saying that two-thirds of us think it is a good thing. We are saying by our vote that we believe the people ought to have a chance to express themselves on this proposition and we are giving it to them.

Now I would like to say just a

word or two about the merits of this thing. We all know that if this is left to the Legislature there is no question but what it would be a political appointment. It will almost be impossible to get a man appointed politically in that manner who will be fully qualified, without hiring an assistant who is skilled in that particular kind of work. That means employing two individuals. Our proposition is to employ one man fully skilled to do the work, doing away with the Deputy, offering a salary sufficient to attract to the office applicants who are really qualified and really good men to act as Treasurer.

You know of course that we cannot legislate good men into office, but we can make a set-up for this office which will enable a good man at the head of the Finance Commission to function in the best possible manner. That is what we are proposing to do. Assuming we have a good head of the Finance Commission, can you imagine him appointing a subordinate to run his department and do it by appointing a man who is disqualified and who is not fit for the job? Can you imagine anybody in the State of Maine who would be more interested in having a man in that position that knew how to do his job than the Commissioner of Finance who is the immediate superior to that particular individual?

We have heard a great deal of complaint about leaving the appointing power in one man. Let me call your attention to the fact that the Commissioner of Finance already appoints the head of the Bureau of Accounts and Control, the Purchasing Agent and the Assessor. They are under him now. He should have the appointing power of his subordinates. It seems simple business sense to say that the man at the head of a department shall have some control over the men under him. It doesn't seem right that he shall take whoever is sent to him by the Legislature or the Governor or whoever it may be. It is just common sense to me.

Now if we could offer a man a job paying six thousand dollars a year and a job that would tell him that as long as he did it properly he could expect to keep his job, don't you see it would attract applicants for the job who would be men of ability? But if we say here is a job paying three thousand dollars, you

may be kicked out in two years, it is hard to get good men for the job.

One more thing; I didn't know the Treasurer from anybody else when I came here. I asked some of the older members, "Who are you going to vote for?" Now two-thirds of the next Legislature will be fellows who have not been here this time. How are they to know about the qualifications of the man? How are they qualified to vote intelligently for a Treasurer of State? It is well enough to say that the man shall have some of these qualifications, but wouldn't it be better to put the burden on one individual and let him appoint that man than it would to take a man who has been out campaigning for the job? A man of ability will not spend his time campaigning for that kind of a job.

Now we have tried to set up in this Bureau of the Treasury, if it is so set up, a provision that the Treasurer of State shall be made responsible for all the collections. That is, everything that accrues to the State of Maine shall be collected through the Treasurer of State and he would be made responsible for it. We have taken the testimony of a great many individuals and they have assured us that there will be a saving from five to ten thousand dollars a year which is now lost to the State of Maine. We feel that there should be one individual to whom we could point and say, "Why hasn't this particular thing been collected? You tell us". Then he could not pass the buck on to somebody else and say, "I didn't think it was my job."

Now this Committee was appointed for this particular job of studying this Code to give you something to help, if possible, the situation. We found ourselves in this particular situation because we happened to be unfortunate enough to have a strong-minded man, not as Commissioner of Finance, but as Controller. We have given you here our best thought and our best judgment. If this does not meet with your approval, if it is not good enough so you want to pass it on to the people back home to vote on it, then it seems that your Code Committee is quite useless. It is quite useless for us to continue in the next Legislature. We are your Committee. We have done this for you. We have tried to be honest.

I would like to call this to your

attention: When the original survey was made, it was decided that the Bureau of the Treasury should not be under the Commissioner of Finance; that there should be a Constitutional amendment made dispensing with the Treasurer as a Constitutional officer. In this chart he sets up, among other things, what should be under the Commissioner of Finance, and among them he lists the Treasurer. He has a great deal to say about it in his report about putting that officer under the Commissioner of Finance. I think I have said enough. If there are any questions I would try to answer them.

Mr. POULIN of Waterville: Mr. Speaker and members of the House: Being the only member of the Minority Party on the Committee to study the Administrative Code, and having signed the unanimous report that was submitted to this Legislature, on last Monday, July 22nd, I feel that I must, of necessity, in defending my position, also say a few words in defense of the legislation that we are now proposing.

During the days that we have spent in session here in Augusta, interviewing a large number of officers here in the State building, taking testimony, and studying the various functions that we are now trying to reform, I came to the conclusion, after contemplating what transpired, and particularly after the scandalous affairs that we discovered here during the past four months—I came to the conclusion that some changes had to be made. I might say that now I am speaking as an individual, and I believe that it reflects the feeling of the entire Committee as well, when I say that I came to the conclusion that some changes had to be made.

Without setting definitely on any course as to what these changes should be, I felt that the first thing that ought to be done was to have the office of the Treasurer of State and other offices pertaining to the finances of the State coordinated under one head, and that the Constitution should be amended to allow this Legislature or any succeeding Legislature to make any changes that might be necessary in order to reform that situation, so that this Department will function in a better way than it has in the past.

I think that this Committee submitted this Report honestly and sincerely, and I do not believe that anybody in this House will doubt that. In proposing this amendment to the Constitution, we are not telling the members of this House how the Treasurer of State should be appointed or what his duties shall be. We are merely saying this: It is apparent from the testimony, and it is apparent from what has happened, that changes are necessary. I think everybody has agreed to that in the past, and I think everybody is going to agree to that now. And the first thing that must be done, in order to make any changes, is to amend the Constitution and allow this Legislature to make such changes as may become necessary in the future.

Now there has been some talk about the Finance Commissioner appointing the Treasurer of State. There has been some talk about the Governor appointing the Treasurer of State. As far as I know, this proposed amendment does not say anything about that. We are merely expressing the thought that in view of what has occurred, and in view of the fact that the members of the Committee uniformly felt that some changes were necessary, that the people of the State of Maine whom we represent here, and whom we are trying to represent honestly and sincerely, should be given a chance to express their views as to whether or not this change should be made.

When this Recess Committee to study the Administrative Code was appointed, and also the Investigating Committee, I might say those Committees were appointed in the face of what had occurred. All the members were up in arms. Everybody felt that something should be done. But when it comes time to do it, for some reason, we seek to dilly-dally around the corridors—I am not talking about lobbying—I mean just loafing around here and there and not doing anything. I feel—and I think I am sincere when I say—that I think the people of the State of Maine should have a chance to express themselves, that they should tell us that we are here to represent the people, and if they want that change that they should have a chance to say so, and, being here, you represent the people, and succeeding Legislatures will have an opportunity to pass such legislation

as will meet with their approval. (Applause)

Mr. McGLAUFNIN of Portland: Mr. Speaker, up until this evening it had been my intention and expectation to vote for this measure, but I have been greatly impressed by the argument put up by the gentleman from Auburn, Mr. Marshall.

I have great respect for the Committee that has prepared this Bill. I think they have done a wonderful job in their investigation. But we are now proposing a constitutional amendment. I am not impressed with the argument that we have got to submit something to the people, whether or not it meets our approval. I want to know that the Bill that goes before the people meets with my approval before I vote for it. I wish it were possible that this matter could be given further consideration as to the wording of the proposed amendment. I think that the argument put up by the gentleman from Auburn, Mr. Marshall, is worthy of consideration.

Mr. MacNICHOL of Eastport: Mr. Speaker. I really do not feel that I need to say anything upon the Bill at this time, but I do wish to make this comment: I cannot help but be amused at the number of Honorable gentlemen who have risen here tonight and told us that we should submit to the people this constitutional change, when this morning we had an opportunity to submit to the people, the very same people, a constitutional amendment, and they thought we were not wise enough at that time to know whether we should have a Governor's Council or not, but now you want to submit to the people this Resolve to change the Constitution as to now the State Treasurer shall be elected. Such a reversal, a comical reversal, I think would interest most anybody.

Mr. HILDRETH of Cumberland: Mr. Speaker and members of the House: It is with great reluctance that I make these few comments, because I have so much confidence in the Committee and I cannot help but be greatly impressed by the arguments that have been made tonight by the gentleman from Auburn, Mr. Marshall, and by the gentleman from Belfast, Mr. Buzzell, and by some of the other gentlemen.

I do want to say that a lobbyist is a new creature to me. Nobody

has spoken to me about this Bill in any way whatsoever. I cannot help but believe that I am as much interested in politics and the Constitution as the average person, or possibly I would not be here, and I cannot quite understand how we can go before the people asking them to take out a constitutional provision, and, as I understand it, simply giving us a blank check as to what we are going to do after we have taken something away that is provided by the Constitution. It does not seem to me that the evidence on this matter has been thoroughly thought through.

Mr. LAMBERT of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, moves the previous question. In order for the Chair to entertain this motion, it requires the affirmative vote of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? Is it the pleasure of the House that the main question be put now? All those in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had. Forty-five having voted in the affirmative and 31 in the negative, the motion prevailed, and the main question was ordered.

The SPEAKER: Does the Chair understand from the gentleman from Auburn, Mr. Marshall, that he wishes the motion divided so that the House can vote separately on the amendment and on the main question?

Mr. MARSHALL: Mr. Speaker, on the amendment I have no desire to have a division. We are now considering the amendment.

The SPEAKER: The Chair will state that the question is on whether the House shall recede and

concur with the Senate. The Chair will first put the question of the House receding from its former action, and then the amendment—

Mr. MARSHALL: I do not desire a division, Mr. Speaker.

The SPEAKER: The Chair will divide the question. The first question is: Will the House recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A"? Is this the pleasure of the House.

Thereupon, the motion prevailed and the House voted to recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A".

The SPEAKER: The second question is: Will the House adopt Senate Amendment "B" in concurrence? Is this the pleasure of the House?

The motion prevailed, and Senate Amendment "B" was adopted in concurrence.

The SPEAKER: The question now is, shall the Bill be passed to be engrossed, as amended by Senate Amendment "B", in concurrence? The gentleman from Monticello, Mr. Good, moves that the Bill be indefinitely postponed. The question before the House is on the motion of the gentleman from Monticello, Mr. Good, that the Bill be indefinitely postponed.

Mr. COWAN: Mr. Speaker, is the question debatable?

The SPEAKER: The vote taken on the previous question was whether or not the vote shall be taken now on the main question, therefore all motions follow without debate.

The Chair understands the gentleman from Auburn (Mr. Marshall) wishes a division on the motion for indefinite postponement of the Bill.

Mr. MARSHALL: Yes, Mr. Speaker.

The SPEAKER: All those in favor of the indefinite postponement of the Bill will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

Fifty having voted in the affirmative and 39 in the negative, the motion prevailed and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.