

MAINE STATE LEGISLATURE

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Legislative Record

SPECIAL SESSION

JULY 22, 1940

On motion by Miss Laughlin of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby Resolve Proposing An Amendment to the Constitution Repealing the Constitutional Provision Relating to the Office of Treasurer of State (L. S. 1254) was passed to be engrossed as amended by House Amendment A in concurrence; and on further motion by the same Senator the Senate voted to reconsider its action whereby House Amendment A was adopted in concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I move that House Amendment A be indefinitely postponed in non-concurrence. My reason for this is that there is another amendment about to be proposed which accomplishes the same result in a more satisfactory way and in which the effect of House Amendment A is embodied and it would only be a repetition.

House Amendment A was indefinitely postponed in non-concurrence.

Thereupon, the same Senator presented Senate Amendment A:

Senate 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 striking out 'and 4' in the 2nd line of the 2nd paragraph, and insert between 2 and 3 the word 'and' in the 1st line of said paragraph.

Further amend said resolve by striking out in the 3rd paragraph thereof the words 'section four, part four, article five;'

Further amend said resolve by adding after the 4th paragraph thereof, the following paragraphs:

'Notwithstanding the provisions of section 2 of Article XXXVII of the constitution, this amendment shall become a part of the constitution on January 15, 1941, and not prior thereto.'

'The incumbent of the office of treasurer of state at the time this amendment is adopted and his successor in office chosen in the manner now prescribed by law shall continue to discharge the duties of the office both before and after the effective date of this amendment (unless removed therefrom in the manner prescribed by law) with all of the powers and subject to all of the limitations now prescribed by

law until other provisions therefor are made by the legislature.'

Further amend said resolve by substituting in the last line of paragraph 5 for the figure '1' the figures '15', and substitute the figures '15' for the figure '1' in the 4th line of House Amendment A."

Thereupon, on further motion by the same Senator the bill and the amendment were laid upon the table pending adoption of Senate Amendment A and Senate Amendment A was ordered mimeographed.

The PRESIDENT: Is there further business to come before the Senate?

On motion by Miss Laughlin of Cumberland

Recessed until four o'clock this afternoon, Eastern Standard Time.

Passed to be Enacted

Bill "An Act Relating to Oak Grove School." (S. P. 784) (L. D. 1262)

Bill "An Act Amending the Law Relating to Deposits of State Funds." (S. P. 781) (L. D. 1259)

On motion by Miss Laughlin of Cumberland, the Senate 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), tabled by that Senator earlier in today's session pending adoption of Senate Amendment "A".

Miss LAUGHLIN: Mr. President, because of certain legal consultations in the meantime since this resolve was tabled, we think possibly some changes ought to be made in Senate Amendment "A" which will appear to you if you can follow me as I explain the amendment which I wish to offer. I ask leave to withdraw Senate Amendment "A" at this time.

Leave to withdraw Senate Amendment "A" was granted.

Miss LAUGHLIN: Mr. President, I would like to present Senate Amendment "B" and move its adoption. But even before it is read I might make an explanation, which perhaps will make it easier to understand. There has been on the desks of all, copies of Senate Amendment "A". Because

of certain doubts and fears on the part of the legal consultants as to the question of attempting, in view of the present provisions of the Constitution, to postpone the taking of effect beyond the time when it is adopted, when the Governor proclaims it. In Senate Amendment "B" we have crossed out the paragraph beginning "Notwithstanding" which is perhaps the fifth paragraph in Senate Amendment "A." Cross out "Notwithstanding the provisions of section 2 of Article 37 of the Constitution this amendment shall become part of the Constitution January 15, 1941, and not prior thereto." We feared lest the courts might hold that was really not within the powers of the legislature in view of Section two of Article 37 of the Constitution, and that therefore this constitutional amendment if passed would take effect as every constitutional amendment has, in accordance with section two of Article 37 of the Constitution, namely, when the majority of the people had voted for it.

The next paragraph remains intact and that provides for the incumbent, even though the constitutional amendment takes effect, if passed then, nevertheless the treasurer can perform the duties of office up to the time the legislature makes provision for a treasurer.

Then the other change is, if you turn to the last paragraph of Senate Amendment "A", to strike out at the end of paragraph 5 the words 'and the amendment shall become a part of the Constitution January 1, 1941,' which is merely the same idea that we possibly could not constitutionally postpone it until January, and therefore, we cut it out.

The Secretary read Senate Amendment "B":

Senate Amendment "B" 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 striking out "and 4" in the second line of the second paragraph, and insert between 2 and 3 the word 'and' in the 1st line of said paragraph.

Further amend said resolve by striking out in the third paragraph thereof the words 'section four, part four, article five;'

Further amend said resolve by

adding after the fourth paragraph thereof, the following:

"The incumbent of the office of treasurer of state at the time this amendment is adopted and his successor in office chosen in the manner now prescribed by law shall continue to discharge the duties of the office both before and after the effective date of this amendment (unless removed therefrom in the manner prescribed by law) with all of the powers and subject to all the limitations now prescribed by law until other provisions therefor are made by the legislature.

Further amend said resolve by striking out at the end of paragraph 5, the words, and the amendment shall become a part of the Constitution January 1, 1941.

Thereupon, Senate Amendment "B" was adopted.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I move Legislative Document 1254, as amended, be laid on the table for a short time.

Miss LAUGHLIN: Mr. President, may I ask if the Senator has any question to ask which would clarify this. If so, perhaps we can get it to go along.

Mr. CHAMBERLAIN: Mr. President, I will take it off the table in a short while.

Miss LAUGHLIN: I doubt if the Senator will have a chance to.

Mr. CHAMBERLAIN: I understand we are going to have an evening session.

The PRESIDENT: The Chair will remind the Senators the motion to table is not debatable. The motion before the Senate is by the Senator from Penobscot, Senator Chamberlain, that Legislative Document 1254 be laid upon the table pending passage to be engrossed. Is this the pleasure of the Senate?

The motion to table prevailed.

From the House:

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

(In the Senate on July 25, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, passage to be engrossed reconsidered, House Amendment "A" offered and adopted, and the bill as amended by Senate Amendment "A" and by House