

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

SPECIAL SESSION

JULY 22, 1940

January. This bill I have not seen. I do not know whether the others have or not but it does not appear to me that there is anything under these circumstances that justifies us in passing this minor matter as an emergency matter at this time when we perhaps would be doing the greatest service by going home as soon as we can. I see nothing of an emergency nature to this bill.

I don't know why an employee of the state is any better or any worse than any of the rest of us. We have a campaign coming on and I think we have made enough admissions of guilt in these special sessions already without making any more. I do not want to vote on something I have not even seen and had not heard until a short time ago.

Mr. FINDLEN of Aroostook: Mr. President, I hope the Minority Report will not be accepted. I don't believe it has any place in this special session. I will agree with the Senator from Kennebec, Senator Cony that it may have a place in the regular session. And when the vote is taken, Mr. President, I move that it be taken by Yea and Nay vote.

Mr. MARDEN of Kennebec: Mr. President, I rise to a point of information. I understood the Senator from Cumberland, Senator Hill, to outline three sections in this new draft and I think the Senator from Cumberland, Senator Laughlin, discussed two. I would like to ask through the Chair, if I may, whether I am correct that there are three sections and if so I will ask the Senator from Cumberland, Senator Hill to review the third if he will.

The PRESIDENT: The Senator from Cumberland, Senator Hill, may answer if he so desires.

Mr. HILL: Mr. President, the Senator from Kennebec, Senator Marden, is correct in his understanding. The bill consists of one section plus the emergency clause and the penalty clause. That one section prohibits an official other than an elective official from serving as an officer of a party organization. It also prohibits the solicitation of campaign funds by state employees and of campaign funds from state employees. That is the entire purport of the measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Hill, that the minority report "Ought to Pass in New Draft"

be accepted; and the Senator from Aroostook, Senator Findlen has asked that when the vote is taken it be taken by Yeas and Nays. Before a Yea and Nay vote is ordered the assent of one-fifth of the members present is required. Those favoring a Yea and Nay vote will rise and stand in their places until counted. More than one-fifth of the members present having risen the Yeas and Nays were ordered.

The PRESIDENT: A vote Yes is in favor of the acceptance of the "Ought to Pass" report. A vote No is opposed to the acceptance of the report.

The Secretary called the roll:

YEA: Boothby, Boucher, Chase of Washington, Dow, Hill, Laughlin, Marden, Tompkins—8.

NAY: Beckett, Chamberlain, Chase of Piscataquis, Cony, Dorr, Findlen, Friend, Kennedy, Lewis, Littlefield, Morse, Owen, Sanborn, Spear, Thatcher, Wentworth, Worthen—17.

ABSENT: Burns, Elliott, Graves, Harkins—4.

Eight having voted in the affirmative and seventeen opposed, the Minority Report "Ought to Pass in New Draft" was not accepted.

Mr. HILL: Mr. President, in view of the action taken by the Senate, I move that the Majority Report be accepted.

Thereupon, on motion by Mr. Findlen of Aroostook, the bill was indefinitely postponed.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provision Relating to the Office of Treasurer of State (L. D. 1254) tabled by that Senator earlier in today's session pending passage to be engrossed.

Thereupon, on motion by Miss Laughlin of Cumberland, the bill as amended by Senate Amendment A was passed to be engrossed.

Mr. WORTHEN of Penobscot: Mr. President, I find that there is more or less confusion and difference of opinion in regard to this and I will move that the bill be retabled until tomorrow morning.

Mr. HILL of Cumberland: Mr. President, realizing that the Senator's motion is not debatable, I ask for a division on the motion.

A division of the Senate was had. Ten having voted in the affirma-

tive and sixteen opposed, the motion to table did not prevail.

The PRESIDENT: The question before the Senate is on the passage to be engrossed.

Thereupon the bill as amended by Senate Amendment B was passed to be engrossed.

Mr. WORTHEN: Mr. President, would it be out of order at this time to offer another amendment?

The PRESIDENT: Before an amendment can be offered, a motion to reconsider should be made.

Mr. WORTHEN: I make that motion, Mr. President.

The PRESIDENT: Does the Senator wish to make the motion that the Senate reconsider its action whereby the bill was passed to be engrossed?

Mr. WORTHEN: Yes, Mr. President.

Miss LAUGHLIN of Cumberland: Mr. President, I wish to oppose that motion. We have spent a great deal of time on these long amendments and the time is getting short to submit the question of a constitutional amendment and I don't know as there is any occasion to do any reconsidering at this time. Therefore I am opposed to reconsideration. I hope the motion will fail.

Mr. SPEAR of Cumberland: Mr. President, when the vote is taken I ask for a division.

Mr. HILL: Mr. President, before voting on the motion for reconsideration it would seem to me that it would be helpful to the Senate in determining how to vote on that motion if we had some brief explanation of the purpose of the Senator's proposed amendment.

Mr. WORTHEN: Mr. President, I would be glad to read or to have read the amendment that I have if that would clarify the situation.

The PRESIDENT: To clarify the situation the Secretary will read the proposed amendment.

The Secretary read: "Senate Amendment C 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 the 2nd, 3rd, and 4th paragraphs thereof, and inserting in

'Sec. 1. On January 1, 1941, the following enumerated parts and words of the constitution shall cease

to be or form a part of the constitution.

1. Sections 1, 2 and 3 of part fourth of Article V.

2. The words "section one, part four, article five;" in Article XXIII.

3. Article XXVII.

'Sec. 3. The incumbent of the office of treasurer of state on January 1, 1941 shall continue to discharge the duties of the office with all the powers and duties, and limitations previously pertaining to the office by law until such time as other provisions of law become operative which provide for the exercise of the powers and the discharge of the duties of the office of treasurer of state.'

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Worthen that the Senate reconsider its action whereby the bill was passed to be engrossed and the Senator from Cumberland, Senator Spear asks for a division.

Mr. SANBORN: Mr. President, I have refrained hitherto from entering into the discussion of this measure or from undertaking to have much to do with the parliamentary progress but I think it is only fair to say to the members that the amendment which the Senator from Penobscot, Senator Worthen says he intends to offer has been given consideration and as it seems to be understood, it is practically equivalent to the resolve in its amended form as it now stands but with one element which I believe—and others seem to agree with me—may render somewhat uncertain the effectiveness of it and that is the provision in regard to its taking effect on January 1, 1941.

I think it is proper to say that lawyers disagree and most of the lawyers are willing to admit that they entertain a real uncertainty as to the effect of such a provision. The constitution now provides that amendments may be made in a certain way, the last step being the voting on the proposition by the people, and then it provides that the amendment shall become effective when it appears that it has been adopted by the people.

Now if we undertake to tinker with this too much we may get into trouble. For that reason I should quite object to the amendment suggested which does attempt to make an amendment to the constitution effective January 1, 1941 when the

constitution says that amendments shall take effect when it appears that they have been affirmatively voted on.

And for that reason, since I believe it would be hazardous to put it forward in the form suggested by the Senator from Penobscot, I hope the motion to reconsider will not prevail.

MISS LAUGHLIN: Mr. President, I would like to add if this amendment were surely constitutional, which we doubt, and if it were in proper form, which it isn't, for submission to the people, definitely some articles would be repealed, and the effect would be the same as the bill now stands, provided it were properly drawn and provided it didn't have this doubtful provision in it. Therefore, that is why I oppose the motion to reconsider, to open up this question again at this time.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Worthen, that the Senate reconsider its action whereby the bill was passed to be engrossed. The Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had. Five having voted in the affirmative and twenty opposed, the motion to reconsider failed of passage.

Sent down for concurrence in the passage to be engrossed.

Mr. TOMPKINS of Aroostook: Mr. President, I would like to ask if Legislative Document 1260 has been returned to the Senate?

The PRESIDENT: The Chair will state that Bill, An Act Providing for the Expiration of all Orders of the Governor's Council at the end of its term (L. D. 1260) is in the possession of the Senate.

Mr. TOMPKINS: Mr. President, in explanation of the motion I will make, this was a bill introduced by me earlier in the week from the special investigating committee relative to the expiration of council orders. After that was introduced, a joint order was introduced to the

following effect: "Ordered, the Senate concurring, that the following recommendations made by the Joint Special Legislative Investigating Committee, created by Joint Order, H. P. 2254, be referred to the Committee on Administrative Code as follows, viz: (1) Relating to the reorganization of the highway department and to powers and duties of the Governor and Council in connection therewith. (2) Providing for an independent audit of the State's financial condition at the end of each fiscal year. (3) Relating to the office of Superintendent of Public Buildings. (4) Relating to the abolishing of the office of Supervisor of Motor Vehicles. (5) Creating a separate department of Motor Vehicles Registration. (6) Any other matters considered by said Joint Special Legislative Investigating Committee on which recommendations are made requiring legislative action and that said Code Committee is hereby directed to study such recommendations and to prepare such bills as may be necessary to carry them into effect; and to report such bills as expeditiously as possible to any further session of this Legislature or to the next regular session of the Legislature."

Now, this bill is far reaching and it occurs to me that it may embarrass somewhat this Administrative Code Committee in its labors, and in order that they may have a free hand in this matter, I move we reconsider our action whereby this bill was passed to be enacted.

The motion prevailed and the Senate voted to reconsider its action whereby the bill was passed to be enacted.

Thereupon, on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at eight o'clock Eastern Standard Time.