

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

Use, and Possession of Explosives." (S. P. 436)

Mr. Whitney of Penobscot presented Bill "An Act Relating to the Transfer of Appropriations in the Department of Health and Welfare." (S. P. 437)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### Legal Affairs

Mr. Boucher of Androscoggin presented Bill "An Act Relating to the Police in Lewiston." (S. P. 438)

(On motion by Mr. Boucher of Androscoggin, the bill was laid upon the table pending reference.)

Mr. Elliott of Knox presented Bill "An Act Relating to Injurious Substances not to be Placed on any Way or Bridge." (S. P. 439)

Mr. Fellows of Kennebec presented Bill "An Act Consolidating the Aviation Laws." (S. P. 440)

Mr. Findlen of Aroostook presented Bill "An Act to Incorporate the Fort Fairfield School District." (S. P. 441)

Mr. Harvey of York presented Bill "An Act Relating to Notices of Caucuses." (S. P. 442)

Mr. Libby of Cumberland presented Bill "An Act Relating to Beauty Culture." (S. P. 443)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### Military Affairs

The same Senator presented Bill "An Act Relating to Employees of the State Inducted into Military Service." (S. P. 444)

(500 copies ordered printed.)

Sent down for concurrence.

#### Motor Vehicles

The same Senator presented Bill "An Act Relating to Registration of More Than One Motor Vehicle in Same Calendar Year." (S. P. 445)

Mr. Elliot of Knox presented Bill "An Act Relating to Indication on Motor Vehicles of their Weight." (S. P. 446)

Mr. Bishop of Sagadahoc presented Bill "An Act Relating to Registration of Farmers' Motor Trucks." (S. P. 447)

Mr. Elliot of Knox presented Bill "An Act Relating to Examination of Motor Vehicles by Inspectors and Police Officers." (S. P. 448)

Mr. Whitney of Penobscot presented Bill "An Act Relating to Registration Number Plates for

Use on Motor Vehicles." (S. P. 450)

The same Senator presented Bill "An Act Relating to Reserved Number Plates." (S. P. 451)

The same Senator presented bill "An Act Relating to Notification by Dealers to Secretary of State of transfer of Motor Vehicles." (S. P. 452)

(500 copies of each ordered printed.) Sent down for concurrence.

#### Interior Waters

Mr. Farris of Kennebec presented Bill "An Act Relating to Water Level of Lake Torsey." (S. P. 449)

Sent down for concurrence.

#### Ways and Bridges

Mr. Stilphen of Lincoln presented Bill "An Act Relating to Maintenance of Third Class Roads." (S. P. 453)

(500 copies ordered printed.)

Sent down for concurrence.

#### Orders

Mr. Sanborn of Cumberland presented the following order and moved its passage:

#### STATE OF MAINE

In Senate Friday

February Fourteenth  
1941

To the Honorable Justices of the Supreme Judicial Court:

WHEREAS, it appears to the Senate of the 90th Legislature that the following are important questions of law and the occasion a solemn one, and

WHEREAS, a Resolve has been introduced into the Senate entitled "Resolve Proposing Amendments to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of Senate and Ratifying and Approving a Legislative Enabling Act Providing for Appointment of the Treasurer upon Approval of this Resolve" (a copy of which resolve marked Legislative Document 49 is herewith enclosed and made a part hereof) proposing an amendment to the Constitution of Maine to remove therefrom all provisions relative to the election, tenure and qualifications of the treasurer of state, and

WHEREAS, the amendment so proposed will be submitted to the people, if said resolve is finally passed, on the 2nd Monday in Sep-

tember next and, if accepted by them, will then become a part of the Constitution, and

WHEREAS, in anticipation of the adoption of said Amendment a bill has been introduced into the Senate entitled "An Act Creating a Bureau of the Treasury and Assigning Certain Duties Thereto" (a copy of which act marked Legislative Document 46 is herewith enclosed and made a part hereof) under the terms of which the treasurer of state is appointed by the commissioner of finance with the approval of the governor and council, and which act according to its terms is to become effective upon approval by the people of the aforesaid Resolve, and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of the proposed act, now therefore, be it

ORDERED: That the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

### Question 1

Where the Constitution provides for the tenure of office, qualifications, and mode of election of a state officer but contains no express prohibition of legislation with regard to such tenure, qualifications or election, would it be a constitutional exercise of the legislative power to pass, concurrently with a resolve proposing an amendment to the constitution removing therefrom the provisions relative to the election, tenure of office and qualifications of such officer, an act providing a different mode of election and a different tenure of office, which act is not to become effective until and unless such resolve is adopted by the people?

### Question 2

If the provisions from ratification of Legislative Document 46 were omitted from Legislative Document 49 and the act and resolve finally passed by the legislature and the resolve adopted by the people, would Legislative Document 46 then become effective according to its terms as a valid and constitutional exercise of the legislative power?

### Question 3

If the legislature has not the power to pass the act set forth in Question 1 and the act is unconstitutional, can such unconstitutionality be cured by including in the resolve amending the Constitution as set forth in Question 1 an express provision ratifying and approving such act?

### Question 4

If Legislative Document 49 as now written were to be finally passed by the legislature and adopted by the people, would the provisions of Section 4 thereof cure any want of power in the legislature to pass Legislative Document 46 and make that act then effective as a valid law?

Which order received a passage.

On motion by Mr. Findlen of Aroostook, it was

ORDERED, that 500 additional copies be printed of Senate Paper 90, Legislative Document 95, An Act Relating to the Stipend for Agricultural Societies.

### Senate Committee Reports

#### Ought Not to Pass

Mr. Bridges from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Sysladobsis Stream" (S. P. 114) reported that the same ought not to pass.

(On motion by Mr. Bridges of Washington the Resolve was laid upon the table pending acceptance of the report.)

#### Ought to Pass

Mr. Dow from the Committee on Legal Affairs on Bill "An Act Relating to Suffrage to Qualified Voters in Unorganized Territory," (S. P. 154) (L. D. 223) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Investment of Trust Funds of the University of Maine," (S. P. 119) (L. D. 154) reported that the same ought to pass.

Mr. Sanborn from the same Committee on Bill "An Act to Dissolve Dexter and Piscataquis Railroad Company," (S. P. 103) (L. D. 148) reported that the same ought to pass.

Mr. Morse from the same Committee on Bill "An Act Amending