

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, December 8, 1933.

The House met according to a adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Wood of Augusta.

Journal of the previous session read and approved.

The following bills, resolves and remonstrances were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Education

Resolve in favor of a State pension for Ethel W. Knowlton (H. P. 108). (Presented by Mr. Hescock of Monson.)

Inland Fisheries and Game

An act to repeal an act entitled 'An act relating to closed seasons in the several waters of the State' (H. P. 109). (Presented by Mr. Farris of Augusta.)

An act authorizing the opening of certain waters to fishing (H. P. 110). (Presented by Mr. Sterling of Carantunk.)

(500 copies of each ordered printed.)

Judiciary

An act relative to inheritance and estate taxes (H. P. 122). (Presented by Miss Laughlin of Portland.) (1000 copies ordered printed.)

An act relating to notice on defaulting trustees (H. P. 111). (Presented by Mr. Breen of Lewiston.)

An act to amend and enlarge the purposes of the Maine Mortgage and Guaranty Corporation (H. P. 92). (Presented by Mr. Webber of Auburn.)

An act relating to publishing of unsigned communications (H. P. 93). (Presented by Mr. Goudy of So. Portland.)

An act to authorize the appointment of process servers (H. P. 95). (Presented by Mr. Hill of So. Portland.)

An act to increase the Staff of the Commander-in-Chief to six by adding an additional member with the rank of Lieutenant-Commander (H. P. 96). (Presented by Mr. Drisko of Jonesboro.)

An act validating the acts of assessors since 1922 (H. P. 97). (Presented by Mr. Ward of Harrison.)

An act relating to motor vehicles of seven feet or more in width (H. P. 98). (Presented by Mr. Scates of Westbrook.)

An act relating to mirrors on motor vehicles (H. P. 99). (Presented by same gentleman.)

An act enlarging the powers of receivers of banks and trust companies (H. P. 100). (Presented by Mr. Young of York.)

An act to create a State Insurance Corporation (H. P. 101). (Presented by Mr. Lebel of Brunswick.)

Resolve ratifying the proposed amendment to the Constitution of the United States permitting Congress to regulate child labor (H. P. 94). (Presented by Mr. Stern of Biddeford.)

(500 copies of each ordered printed.)

Legal Affairs

An act to provide a commission form of government for the town of Houlton. (Presented by Mr. Tompkins of Houlton.)

An act to create the Deer Isle-Sedgewick Bridge District (H. P. 102). (Presented by Mr. Gray of Brooksville.)

An act relating to the School Board of the city of Lewiston (H. P. 103). (Presented by Mr. Audet of Lewiston.)

An act to incorporate the Blue Hill Water Company (H. P. 104). (Presented by Mr. Littlefield of Blue Hill.)

An act to incorporate the town of Fort Fairfield School District (H. P. 105). (Presented by Mr. Ashby of Fort Fairfield.)

An act relating to the election of delegates and alternates to party conventions in the city of Biddeford (H. P. 106). (Presented by Mr. Stern of Biddeford.)

An act to create the Wiscasset-Westport Bridge District (H. P. 107). (Presented by Mr. Richardson of So. Portland.)

(500 copies of each ordered printed.)

Pensions

Resolve in favor of pension to Emma S. Anderson (H. P. No. 112) (Presented by Mr. Hussey of Augusta)

Resolve in favor of pension to Robert E. Taylor (H. P. No. 113) (Presented by same gentleman)

Resolve providing a State pension for Edwin McGray of East Corinth (H. P. No. 114) (Presented by Mr. Rae of Lagrange)

Resolve for State pension in favor of Vinnie M. Poland of Gardiner (H. P. No. 115) (Presented by Mr. Cobb of Gardiner)

Resolve providing for a State pen-

sion for Benjamin F. Howatt of Greene (H. P. No. 116) (Presented by Mr. Ham of Wales)

Resolve providing for a State pension for Katherine Closson of Searsport (H. P. No. 117) (Presented by Mr. Hills of Northport)

Salaries and Fees

An act relating to the compensation of State employees (H. P. No. 118) (Presented by Mr. Thomas of Woodland)

(500 copies ordered printed)

An act relating to salaries of subordinate officers and employees of the Legislature (H. P. No. 118) (Presented by Mr. Bucknam of Portland)

Sea and Shore Fisheries

Resolve protecting cod, haddock and other ground fish in certain waters of and adjacent to Hancock County (H. P. No. 120) (Presented by Mr. Graves of Mt. Desert)

(500 copies ordered printed)

State Lands and Forest Preservation

An act to authorize the town of Whiting to withdraw from the Maine Forestry District (H. P. No. 121) (Presented by Mr. Peacock of Lubec)

(500 copies ordered printed)

Taxation

An act providing for the levying, collecting and paying of an income tax on individuals, fixing penalties for the violation thereof, and providing for the manner of filing returns of income and the fee to be paid therefor (H. P. 134) (Presented by Mr. Walker of Rockland)

An act to impose a sales tax (H. P. No. 123) (Presented by Mr. Bailey of Woolwich)

An act placing a tax on amusement admissions (H. P. No. 124) (Presented by Mr. Sterling of Caratunk)

An act relating to taxation of machines for playing games (H. P. No. 125) (Presented by Mr. Flanders of Auburn)

An act to impose a tax on admissions to moving pictures (H. P. No. 126) (Presented by Mr. Ashby of Fort Fairfield)

(1500 copies of each ordered printed)

An act relating to tax on gasoline (H. P. No. 127) (Presented by Mr. Graves of Mt. Desert)

An act relating to licenses for retail stores (H. P. No. 128) (Presented by Mr. Stover of Pownal)

An act relating to poll-taxes (H. P. No. 129) (Presented by Miss Laughlin of Portland)

Resolve proposing an amendment to the Constitution relative to the authority of the Legislature to impose a tax on incomes (H. P. No. 130) (Presented by Mr. Walker of Rockland)

(1000 copies of each ordered printed)

An act relating to abatement of taxes (H. P. No. 131) (Presented by Mr. Berwick of Saco)

An act relating to poll taxes (H. P. No. 132) (Presented by Mr. Bennett of Presque Isle)

500 copies of each ordered printed)

Remonstrance of L. A. Nutter of Auburn and 503 others against sales tax (H. P. No. 133) (Presented by Mr. Flanders of Auburn)

Temperance

An act to promote temperance in the use of alcoholic beverages and to control license and regulate the manufacture, transportation, possession, purchase and sale of alcoholic beverages and alcohol within the State and providing for a local option in cities and towns (H. P. No. 136) (Presented by Mr. Hussey of Augusta)

(1500 copies ordered printed)

Resolve proposing the repeal of the 26th Amendment to the Constitution, relating to the manufacture and sale of intoxicating liquors (H. P. No. 137) (Presented by Mr. Piper of Bangor)

(1000 copies ordered printed)

Ways and Bridges

An act releasing highway funds for general governmental purposes (H. P. No. 138) (Presented by Mr. Tompkins of Houlton)

(500 copies ordered printed)

Recess

Orders

Mr. Goudy of South Portland presented the following order and moved its passage:

Ordered, that a committee of six members of the House shall be appointed by the Speaker for the purpose of considering and investigating liquor legislation now pending before this Legislature, and recommending to this House for consideration such liquor legislation as said committee deems fit and proper for the welfare of the State.

Mr. GOUDY: Mr. Speaker, I believe that a concerted effort should be made by a committee to obtain facts, figures, conditions and effects regarding liquor legislation now pending before this Legislature, that this question should be given sufficient study, it being one of the most important steps ever taken in this State, and that the Legislature should have a complete, unbiased and non-partisan picture of this important question; as our time here is limited I feel that a committee of this nature can do much to assist the House in its deliberations. I think it is conceded that no stone should be left unturned to discover the proper method and means of handling this matter, and I hope that this order may receive passage at this time, as nothing will be gained by delay.

I do not mean in any way to interfere with the other committee that is investigating this subject, but I do feel that this subject is one that should receive all the attention possible. I also feel that should a committee of six make a complete study of conditions and legislation, such committee can bring to this House some ideas that will be helpful to this body in its deliberations. Surely it can do no harm and it may do a lot of good. I hope that this order will receive passage.

Miss LAUGHLIN of Portland: Mr. Speaker, in view of the fact that we have our regular committee to which these bills have been referred, there would be just as much argument to supercede the committee on banks and banking, which committee has twenty-one bills before it.

If we must have a discussion about this matter, let us have it when we have more time and not attempt it on Friday morning. Therefore, I move that this order lie on the table, pending passage.

A viva voce vote being taken, the motion to table failed of passage.

Miss LAUGHLIN. Mr. Speaker, may we have a division?

A division being had,

Twenty-eight voting in the affirmative and 48 in the negative, the motion failed of passage.

Miss LAUGHLIN: Mr. Speaker, what is the question before the House now?

The SPEAKER: The question is the motion of the gentleman from

South Portland, Mr. Goudy, that the order receive passage.

Miss LAUGHLIN: Mr. Speaker, I suppose I might filibuster here indefinitely on an important matter like this by reading the papers and talking on almost any topic, and I am almost disposed to do it. I do want to say that, to my mind, this is certainly an outrageous insult to the House and to the committee. We come here in regular session and we have in our Rules here a number of joint committees and House committees which are supposed, at least, to be competent to pass on the measures referred to them.

This is a proposition to supercede a regular committee of this House for a special purpose. There can be no reason for it except a desire to appoint a committee to report in a particular way, because it is for an impartial investigation with hearings that we have our regular committees. These bills that the gentleman from South Portland (Mr. Goudy) wants investigated and studied are now before a joint committee of this Legislature for hearing, for investigation, for study and report; and to my mind, as I have already said, such an order as this is an insult to this committee, and therefore an insult to the Legislature. If we are to have special committees when we have a number of bills on any subject, why then we should cancel, under this precedent, every committee we have. As I have said, we have twenty-one bills on banking. For that reason are we going to bring in an order for a special committee because the joint committee of the Legislature is not competent to pass on it? I am sure there is just as much reason for a special committee on banking, and probably more, than there is on this subject. So we might go through the list of committees and have a special committee on any bill before them because we have no respect for our joint committees. Take the Taxation committee where there are probably a dozen bills, why not a special committee there? Now are we going to follow this method every time we have a lot of bills and supercede our regular committees by the appointment of a special committee? Certainly this would be a very dangerous precedent to establish. I therefore hope that this House will have sufficient respect for itself and

sufficient respect for the committees appointed to vote down this motion.

Mr. SMITH of Vinalhaven: Mr. Speaker, may we have the order read again?

Clerk reads the order.

Mr. TOMPKINS of Bridgewater: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. TOMPKINS: Mr. Speaker, it is planned that all of these Temperance bills shall come before the Temperance committee at a hearing in this House, and I have an order here for that purpose, next Wednesday afternoon at two o'clock. Now I want to ask this question: Is our Temperance committee to take any instructions whatsoever from this special committee?

The SPEAKER: The Chair had no knowledge of this order until it was read here this morning. I would ask the gentleman from South Portland, Mr. Goudy—

Mr. TOMPKINS: I would like to say further that these bills are being posted today and will be in the various newspapers of the State, and if you are interested in these matters, there will be a hearing next Wednesday afternoon; and if this order for a special committee is to supercede our committee, it certainly ought not to have passage.

Mr. GOUDY: Mr. Speaker, this is an extraordinary session for an extraordinary purpose. The purpose of this order is in no way to be construed as superceding any committee or trying to jam anything through, or in any way to make their minds up in advance. I felt that this subject was so important that we should do everything we could to get information on it, and I personally did not in any way mean to jeopardize any committee or in any way to interfere with it. We felt that perhaps we might be able, through this committee, to get some facts and a complete picture in a non-partisan and unbiased way. We thought it might be of some help. However, it is immaterial to me except that I would like to feel, when we go home, after we have passed our bills, that we were able to understand them intelligently. I felt that any information we might obtain in this way would be valuable and that was my reason for introducing the order for an extra, non-partisan committee to

make such recommendations as they might see fit. But, if the Legislature feels that they know all about this subject, and there is no information they want on it, it is all right with me and I presume it will be all right with the committee, because, if such a committee is appointed, it will mean a lot of work and a lot of research and study. If you do not feel that it will be of any value, vote against the order.

The SPEAKER: The question is on the passage of the order. All those in favor of the motion of the gentleman from South Portland, Mr. Goudy, that this order have passage will say aye, contrary minded no.

A viva voce vote being doubted,

A division of the House was had, Fifty-seven voting in the affirmative and fifty-one in the negative, the motion prevailed and the order received passage.

The SPEAKER: The Chair appoints on that committee Messrs. Goudy of South Portland, Scates of Westbrook, Farris of Augusta, Fernald of Winterport, Drisco of Jonesboro and Gallagher of Limestone.

On motion by Mr. Tompkins of Bridgewater, it was

Ordered, that the use of the hall of the House be granted to the committee on Temperance for the afternoon of Wednesday, December 13th, beginning at two P. M.

Mr. Bennett of Presque Isle presented the following order and moved its passage:

Ordered, that the Treasurer of State be authorized to pay each member of the Legislature a bonus of three dollars per day in addition to his regular salary of two dollars per day for each legislative day of this special session.

On motion by Mr. Carleton of Portland, a viva voce vote being taken, the order was referred to the committee on Salaries and Fees.

The SPEAKER: The Chair is uncertain about the correctness of the declaration of the vote. All those in favor of the motion of the gentleman from Portland, Mr. Carleton, that this matter be referred to the committee on Salaries and Fees will say aye, those opposed no.

A viva voce vote being taken, the motion failed of passage.

The SPEAKER: The pending question is the motion of the gentleman from Presque Isle, Mr. Ben-

nett, that this order have passage. All those in favor will say aye, contrary minded no.

A viva voce vote being taken, the order received passage.

Mr. Carleton of Portland presented the following order and moved its passage:

Ordered, that the committee appointed for the House of Representatives for the purpose of consolidating and printing the items contained in the report of the controller relative to expenditures is hereby authorized and directed to obtain from any individual whose name appears therein complete details as to any expenditure which has been made by such individual named in said report.

A viva voce vote being taken, the order received passage.

Mr. Lebel of Brunswick presented the following order and moved its passage:

Ordered, the Senate concurring, that the committee on aeronautics and radio control be and hereby is requested to return to the Clerk of the House the following House Paper No. 81, bill an act to improve the facilities of Maine airports.

The order received passage and was sent up for concurrence.

Orders of the Day

The SPEAKER: Under orders of the day the Chair lays before the House tabled and specially assigned for today the resolution asking the Justices of the Supreme and Superior courts to make a voluntary contribution of a percentage of their salaries to the State, H. P. No. 82, tabled December 7 by Mr. Lebel of Brunswick, the pending motion being made by the gentleman from Winterport, Mr. Fernald, that the resolution be indefinitely postponed.

Mr. LEBEL: Mr. Speaker, may I ask a question?

The SPEAKER: Certainly.

Mr. LEBEL: Would a motion to adopt a resolution come before a motion to indefinitely postpone?

The SPEAKER: No, it would not. A motion to indefinitely postpone has precedence. The pending question is the motion of the gentleman from Winterport, Mr. Fernald, that the resolution be indefinitely postponed.

Mr. LEBEL: May I speak on the motion?

The SPEAKER: Certainly.

Mr. LEBEL: Mr. Speaker and members of the House: This is nothing compulsory. It is just a cordial and friendly and respectful invitation to the Justices to return a portion of their salaries to the State. This is not a slam at the court, it is something that has been done in other states and has the force of public opinion behind it. Some may feel that thirty-five percent is a large percentage, but it is not binding on them. They may turn in five or ten per cent if they see fit. A great many members have approached me on this subject and seem to approve of the general idea of this resolution. Some think it should not be a fixed percentage but should be according to the law passed at the last session for other officials and employees. I would have no opposition to such an amendment, but I do think that there would be no harm in filing this resolution, and I so move.

The SPEAKER: No motion is in order. The pending question is the motion of the gentleman from Winterport, Mr. Fernald, that the resolution be indefinitely postponed. The Chair recognizes the gentleman from Lewiston, Mr. Breen.

Mr. BREEN: Mr. Speaker, in view of the fact that every member of the Legislature has been cut, I see no reason in the world why the Supreme Court and the Superior Court should not be cut. Now the Chief Justice receives a salary of nine thousand dollars yearly, and the Associate Justices receive eight thousand dollars yearly, and the Superior Court Justices seventy-five hundred dollars yearly and it seems to be understood in different parts of the State that they have contributed a part of their salaries, but I find in 1933 they have not so done. Outside of these salaries these men receive their expenses—traveling expenses and hotel bills—and that amounts to quite an item. After all this talk about more taxes and trying to shoulder the taxes on to the little fellow, it is pretty hard to make both ends meet, and it would be quite a help if the Justices of our courts should turn back to the treasury of the State one-third of their salaries, thirty-three and a third percent. If they saw fit not to return it all, why all right. I have the highest respect for the Justices of our Courts and they are

fine types of men; but they do not seem to understand just what this would amount to. I do not believe it would embarrass them a great deal to return a part of their salaries and I feel that there would be a different feeling among the citizens of our State if they would join in helping pay the bills. We heard some time ago about what they received in referee cases, and all that, and I do think that the resolution should be adopted.

The **SPEAKER**: The pending question is the motion of the gentleman from Winterport, Mr. Fernald, that the resolution be indefinitely postponed. All those in favor will say aye, contrary minded no.

A viva voce vote being taken, the motion failed of passage.

Mr. **LEBEL**: Mr. Speaker, I now move that the resolution be adopted and placed on file, if that motion is in order.

The **SPEAKER**: The way the resolution reads, it requires the confirmation of the Senate before it can become effective. The Chair understands that the gentleman from Brunswick, Mr. Lebel, now moves that the resolution be adopted.

Mr. **FERNALD** of Winterport: Mr. Speaker and members. What are we going to do? Are we going to let the Senate laugh us out of Court and put ourselves in a ridiculous position? This resolution has no effect whatsoever. We have come here for the serious business of the State, and what is the use of standing still in one spot and treading water up and down. Now you and I know that when this goes to the Senate, it is dead before it gets in through the door, and we are the goats. Now my position is clear on this matter and if the rest of you want to be goats, all right.

Mr. **LEBEL**: Mr. Speaker and members of the House: I feel that when people are committing suicide and doing other like things because they are out of work and because they have no money on which to live and no money to pay taxes, and their houses and farms are being foreclosed, that this Legislature should be more serious than it has been. We come here and have a general good time, but when we go home we realize that maybe we have not done what we should have done. Now I am not ashamed of this resolution and if the Senate wants to turn it down, all right. They

have turned down some of my other bills and I have no kick coming. I hope my motion prevails. I have nothing against any member of the Bench, in fact, I do not know any of them except one, who happened to be a member of this Legislature. I am told that he is favorable to this particular legislation. I will thank the members for voting as they see fit on this matter.

The **SPEAKER**: All those in favor of the motion of the gentleman from Brunswick, Mr. Lebel, that the resolution be adopted will say aye, contrary minded no.

A viva voce vote being doubted, a division of the House was had, Forty-nine voting in the affirmative and 23 in the negative the resolution was adopted and sent up for concurrence.

Papers from the Senate, out of order, under suspension of the rules, disposed of in concurrence.

From the Senate: Bill an act to incorporate the town of Brunswick School District, S. P. 49.

Comes from the Senate referred to the Committee on Legal Affairs.

In the House:

Mr. **MORIN** of Brunswick: Mr. Speaker, I move that this be tabled and specially assigned for Tuesday morning.

The **SPEAKER**: The gentleman understands that we are trying to get everything referred to be heard next week.

Mr. **MORIN**: Mr. Speaker, I think it is quite unfair to pass something without going over the matter.

Mr. **FARRIS** of Augusta: Mr. Speaker, this bill has been introduced—

The **SPEAKER**—The matter is not debatable. The gentleman (Mr. Morin) has moved that it lie on the table and I cannot let you debate it. All those in favor of the motion of the gentleman from Brunswick, Mr. Morin, that this bill lie on the table pending reference to a committee in concurrence will say aye, contrary minded no.

A viva voce vote being doubted, a division of the House was had, Eight voting in the affirmative and 38 in the negative, the motion to table failed of passage.

The **SPEAKER**: The pending question is now the reference of the bill to the committee on Legal Affairs in concurrence.

The bill was so referred.

The SPEAKER: For the information of the gentleman from Brunswick (Mr. Morin) the bill was ordered printed in the Senate.

Further papers from the Senate, out of order, under suspension of the rules, disposed of in concurrence.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, December 12, 1933, at eleven o'clock in the forenoon.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate:

The following order:

Ordered, the Senate concurring, that the controller be authorized to permit subordinate officers and employees of the Legislature, on signed statement from the Secretary of the Senate and Clerk of the House as to their employment, an advance on their pay in an amount not to exceed \$25.00 for any individual employee; said advances to be deducted from the final payroll for Legislative employees; which was read and passed in the House yesterday.

Comes from the Senate passed as amended by Senate Amendment A.

Senate Amendment A read, which was as follows:

Amend said order by striking out all after the word "be" in the second line of said order and inserting in place thereof the following: "directed to pay to the officers and employees of the Senate and House, each week at the end thereof, for each day that the Senate and House are in actual session, an amount equal to the per diem rate of compensation paid to each, or his predecessor, for the last regular legislative session."

Thereupon the order as amended was read.

Mr. CARLETON of Portland: Mr. Speaker, I move that this order and amendment be referred to the committee on Salaries and Fees in non-concurrence.

Mr. FARRIS of Augusta: Mr. Speaker, I wish to make a motion that I think has precedence over

that motion. I move that we recede and concur with the Senate.

The SPEAKER: The question before the House is now on the motion of the gentleman from Augusta, Mr. Farris, that the House recede and concur with the Senate in the adoption of Senate Amendment A and that motion of course is debatable. The gentleman may now proceed.

Mr. CARLETON: Mr. Speaker, there has been at the end of every special session before the appropriations' committee a question as to the salaries of the subordinate officers of the House and Senate. It has been very annoying and very disagreeable and a list was proposed which was fair, we believed, and was going to the Salaries and Fees committee for them to look over and see whether they thought it was right, and with your permission I will read the order that was introduced:

"The Clerk of the House shall receive twenty dollars per day.

The Assistant Clerk shall receive twelve-fifty.

The Sergeant-at-Arms shall receive five dollars," and so forth.

Now we had presented to us about half an hour before we adjourned an order for that special session. I cannot say how many days the Clerk had been here, or others, but we had presented to us a bill for \$125 for that day and I understand that the Clerk and some others have to work previously. How in Heaven's name did he know that there was going to be a special session several days before the rest of us did. I had a telegram saying that I was to come here, but he must have had advance information over all the rest of us. I do not question but that he did. We allowed him seventy-five dollars for the day he was here and I have no question that he worked before and after. The Assistant Clerk, forty dollars; the Assistant Reporter, sixty dollars. This applies equally to the Senate and the House and I think it is all out of reason. Now why not send this to salaries and fees where they can thresh this out and these people can go before that committee and explain their situation, and, if they can convince them that they are entitled to any such salary as that, I am perfectly willing it should be paid. I now move that we pass

it over to the salaries and fees and let them thresh it out. I have been threshing it out here for the last three special sessions, and when I have an order presented to me to sign on the dotted line for one hundred and twenty-five dollars, it makes me mad.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Farris, that the House concur with the Senate in the adoption of Senate Amendment A. All those in favor will say aye, contrary minded no.

A viva voce vote being had, the motion failed of passage.

On motion by Mr. Carleton of Portland, a viva voce vote being taken, the order and amendment were referred to the committee on salaries and fees in non-concurrence.

Recess

Mr. HILL of South Portland: Mr. Speaker, I move that the House reconsider its action of this morning whereby it passed an order introduced by the gentleman from Presque Isle, Mr. Bennett, relative to payment of a bonus to the members of the Legislature.

The SPEAKER: The Chair notices that the gentleman from Presque Isle, Mr. Bennett, is not here.

Mr. FAIRIS of Augusta: Mr. Speaker, before the gentleman left he asked me if I would look after it for him. He said that he had intended to do it himself but he was obliged to leave on the train. This is at his request.

Thereupon the motion of the gentleman from South Portland, Mr. Hill, that the House reconsider its action taken earlier in today's session, whereby it passed an order introduced by the gentleman from Presque Isle, Mr. Bennett, providing for a bonus of three dollars for members of this special session, prevailed; and on further motion by the same gentleman, a viva voce vote being taken, the order was indefinitely postponed.

On motion by Mr. Carleton of Portland, the House voted to reconsider its action taken earlier in this session whereby it voted to refer to the committee on Salaries and Fees an order pertaining to the wages of subordinate officers with a Senate Amendment.

Mr. CARLETON: I now move, Mr. Speaker, that it be sent to the Senate in non-concurrence. My understanding is that this will be in effect that we non-concur with the Senate in this Amendment.

The SPEAKER: The gentleman from Portland, Mr. Carleton, now moves that the House insist on its former action whereby this order was passed in its original form without amendment.

A viva voce vote being taken, the motion prevailed.

Recess

Papers out of order, from the Senate, under suspension of the rules.

From the Senate: Resolution asking Justices of the Supreme and Superior Court to make voluntary contribution of a percentage of their salary to the State, H. P. 82, which in the House on December 8th was adopted.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. FERNALD of Winterport: I move that the House recede and concur.

Mr. LEBEL of Brunswick: Mr. Speaker, I notice quite a few of the seats vacant, so I move that we adjourn.

The SPEAKER: Mr. Lebel of Brunswick moves that the House adjourn until Tuesday morning, at eleven o'clock.

A viva voce vote being doubted. A division of the House was had. Twenty-five voting in the affirmative and 33 in the negative, the motion failed of passage.

The SPEAKER: The pending question is the motion of the gentleman from Winterport, Mr. Fernald, that the House recede and concur with the Senate in the indefinite postponement of the resolution.

Mr. LEBEL: Mr. Speaker, is it in order to make another motion?

The SPEAKER: I will determine that after you have made it. You cannot make any other motion that does not have precedence over the one made.

Mr. LEBEL: Mr. Speaker, do you think it is fair to take up anything with more than half of the members absent. I do not think it is, and I move that the matter lie on the table until next week.

The SPEAKER: The gentleman from Brunswick, Mr. Lebel, moves that the matter lie on the table and be specially assigned for next Wednesday morning. As many as are in favor of the motion will say aye, contrary minded no.

A viva voce vote being doubted,

A division of the House was had. Forty-six voting in the affirmative and three in the negative, the motion prevailed, and the matter was tabled and specially assigned for Wednesday, December 13.

At this point Mr. Breen of Lewiston raised the point of a quorum.

The SPEAKER: The monitors will count the members in their respective divisions.

The count showing 78 members present, the Speaker declared a quorum was present.

From the Senate: Joint order relative to authorizing advance payment to subordinate officers and employees in the House, which was passed in the House on December 7th, and which the Senate on De-

cember 8th amended by Senate Amendment A and passed as amended by Senate Amendment A, and in the House earlier in the session today that body voted to insist on its former action whereby the order was passed in its original form.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House to concur with the Senate in the indefinite postponement of this order?

A viva voce vote was doubted.

Mr. BREEN of Lewiston: Mr. Speaker, I would like to have a rising vote.

A division of the House was had. Eighteen voting in the affirmative and 17 in the negative, the motion prevailed and the order was indefinitely postponed in concurrence.

On motion of Mr. Knight of Waterford,

Adjourned until Tuesday morning at eleven o'clock.