

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

Wednesday, December 20, 1933.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

From the Senate: Final report of the committee on taxation.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

Orders

Mr. Fenlason of North Anson presented the following order and moved its passage:

Ordered, that debate on questions be limited to ten minutes during the remainder of this special session.

The SPEAKER: The order as presented proposes an amendment to the rules of the House, and under rule 59 must lie on the table for one day before it can be acted upon.

Thereupon the order was tabled, pending passage.

First Reading of a Printed Bill

H. P. 157, L. D. 202: An act creating a State Lottery Commission. Mr. Sanborn of Weld offered House Amendment A to L. D. 202, and moved its adoption as follows:

House Amendment A to H. P. 157, L. D. 202, bill an act creating a State Lottery Commission.

Amend said bill by striking out the figure "5" in the second line of section one and inserting in place thereof the figure "3."

Thereupon, a viva voce vote being taken, House Amendment A was adopted.

Mr. Carleton of Portland offered House Amendment B and moved its adoption as follows:

House Amendment B to L. D. 202. Amend said bill by adding thereto a new section to read as follows:

Sec. 8. The authority of this act shall extend to such time as the Governor by proclamation shall declare the present financial stringency of the State to have ended, but in any event, shall not extend beyond two years from the effective date of this act."

Thereupon House Amendment B was adopted.

On motion by Mr. Thompson of Belfast, the rules were suspended, and the bill was passed to be engrossed as amended by House Amendments A and B, and sent up for concurrence.

(Recess)

(Paper from the Senate out of order.)

Bill an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts (H. P. 156) (L. D. 199), which failed on its passage to be enacted in the House yesterday.

Comes from the Senate with House Amendment A, as amended by House Amendment A, indefinitely postponed; also House Amendments B and E indefinitely postponed in non-concurrence. Senate Amendment E, as amended by Senate Amendment A, read and adopted, and the bill as amended by Senate Amendment E, as amended, passed to be engrossed in non-concurrence.

The SPEAKER: The Chair understands that the action taken by the Senate, in so far as that body is concerned, leaves the bill with Senate Amendment E, as amended by Senate Amendment A to Senate Amendment E, the only thing that is left of the bill in the Senate.

On motion by Mr. Goudy of South Portland, the House voted to reconsider its action whereby it refused to pass this bill to be enacted; and on further motion by the same gentleman it voted to reconsider its action whereby it passed this bill to be engrossed.

Thereupon on motion by the same gentleman the House voted to reconsider its action in adopting House Amendment A, as amended; and on further motion by the same gentleman the House voted to indefinitely postpone in concurrence House Amendment A, as amended by House Amendment A to House Amendment A.

On motion by the same gentleman the House also voted to reconsider its action whereby it adopted House Amendment B and House Amendment E; and on further motion by the same gentleman House Amendment B and House Amendment E were indefinitely postponed in concurrence.

Mr. GOUDY: Mr. Speaker, I now move that this bill lie on the table. (Motion withdrawn.)

The SPEAKER: The Chair understands that before that motion is put the gentleman moves that Senate Amendment E as amended by Senate Amendment A to Senate Amendment E, the gentleman having withdrawn his motion that the bill lie on the table, be indefinitely postponed in non-concurrence.

Miss LAUGHLIN: Mr. Speaker, this Senate Amendment here on the desks is in place of the entire bill.

The SPEAKER: Are you talking to the motion of the gentleman from South Portland—

Miss LAUGHLIN: For indefinite postponement.

The SPEAKER: Can we not correct the situation? The gentleman from South Portland has moved, and that motion is pending, that Senate Amendment E, as amended by Senate Amendment A to Senate Amendment E, be indefinitely postponed.

Miss LAUGHLIN: Mr. Speaker, is that the amendment which we have on our desks?

The SPEAKER: That is right.

Miss LAUGHLIN: That is what I understood and I wanted to say just a word on that.

The SPEAKER: Would the member defer just a moment until the Senate Amendment has been read.

(Senate Amendment E read, and Senate Amendment A to Senate Amendment E read.)

The SPEAKER: The pending question now is the motion of the gentleman from South Portland, Mr. Goudy, that Senate Amendment E as amended by Senate Amendment A to Senate Amendment E be indefinitely postponed in non-concurrence.

Miss LAUGHLIN: Mr. Speaker, this amendment proposed here has some serious defects. In the first place, it has no penalties whatsoever for not filing these reports, no penalties for violation of it. Secondly, of course there is no revenue from it and because there is no emergency clause it would not take effect for ninety days anyway, subject to referendum.

Perhaps it is proper to say I have had some little conference this morning with the persons responsible for this amendment, with the thought that a different and more satisfactory amendment might be drawn, which would be agreeable to those who proposed this and to many of us who oppose it.

I thought possibly this explanation might properly precede any motion to lay on the table, because laying on the table would simply be for the purpose of seeing whether it would be possible to reach an agreement in regard to some amendment which would be satisfactory to everybody, or at least be acceptable to everybody, I would not say it would be satisfactory to everybody, but it would be acceptable to everybody. And it might carry an emergency clause, which would provide some revenue for the State, which this amendment does not, and without that it has no value whatever.

Mr. SCATES of Westbrook: Mr. Speaker, for fifty years I have hoped that I might live to see something considered by the Maine Legislature outside of rum and lobsters, but I think that I shall die in despair. I will say, however, that I think yesterday noontime we took care of the lobsters. (Laughter)

Now in regard to this bill, I will say that it is the most loosely drawn bill or amendment that I ever, ever saw. There is one thing that is not loosely drawn: It makes the Controller the dictator of the rum business of the State of Maine. In the first place, it provides for a license of \$10,—not equal to a dog license.

There are many other imperfections in it. As the member from Portland (Miss Laughlin) has said, there is no supervision, there are no penalties attached to it whatsoever. A druggist could go on and do anything he wanted to. No penalties, no supervision. It absolutely permits him to do as he wants. That amendment is too loosely drawn for such an important matter as the control of the medicinal liquor business of the State, and I do hope that every member of this House will vote for the indefinite postponement of the bill.

The SPEAKER: The question before the House is on the indefinite postponement of Senate Amendment E as amended by Senate Amendment A to that Amendment in non-concurrence.

The motion prevailed.

The SPEAKER: The Chair understands that the gentleman from South Portland, Mr. Goudy, moves that the bill lie on the table until later in today's session.

The motion prevailed.

Additional Papers from the Senate

From the Senate: Joint order relative to recalling to the House from the Legislative files the joint order to reimburse members for expenses not exceeding three dollars per day while attending the present special session of the Legislature, which was read and passed in the House yesterday.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House, that body voted to concur with the Senate in the indefinite postponement of this order.

Recess

Papers from the Senate, out of order:

From the Senate: Majority report of the committee on Appropriations and Financial Affairs reporting ought not to pass on bill an act creating the State Lottery Commission, H. P. 4, L. D. 19, and the minority report of the same committee on the same bill, reporting ought to pass in new draft under same title, the new draft being H. P. 157, L. D. 202.

In the House yesterday the minority report, ought to pass in new draft under same title, was accepted, and the bill this morning, passed to be engrossed. The reports and bill now come from the Senate indefinitely postponed in non-concurrence.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the House recede and concur with the Senate in the indefinite postponement of the bill and reports.

A viva voce vote being doubted, A division of the House was had, Seventy-eight voting in the affirmative and 12 in the negative, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

Mr. Fogg of Rockland presented the following order out of order under suspension of the rules and moved its passage:

ORDERED, that the Superintendent of Public Buildings be directed to reserve Room 62, with the equipment therein, for the use of the Clerk of the House for so long after the adjournment of this Special Session as is necessary for the completion of his official duties.

The order received passage.

The gentleman from Belfast, Mr. Thompson, presented the following resolution and moved its adoption:

WHEREAS, the members of the House of Representatives of the Eighty-sixth Legislature of the State of Maine have been deeply moved by the death on October 12th, 1933, of a highly regarded former member of the Maine Legislature, the gentleman from Harpswell, Charles S. Thomas; and

WHEREAS, the members of the House of Representatives sense a personal loss in the passing of a distinguished son of Maine whose services to his state had ever been honorable;

NOW BE IT RESOLVED, that the State of Maine mourns the decease of Charles S. Thomas of Harpswell, whose death deprived her of a valuable public servant, and the members of the House of Representatives mourn the departure of a beloved companion and helpful fellow worker; and

BE IT FURTHER RESOLVED, that these resolutions be spread upon the permanent records of the House, and the Clerk transmit a copy to the bereaved family of the late gentleman from Harpswell.

The resolution was adopted by a unanimous rising vote.

Mr. Goudy of South Portland presented the following order, out of order, under suspension of the rules, and moved its adoption:

ORDERED, The Senate concurring, that a Joint Select Committee be created consisting of three on the part of the Senate to be named by the President, and four on the part of the House to be named by the Speaker, for the purpose of immediately preparing an acceptable amendment to L. D. No. 199, An act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts; and report immediately to the Legislature their recommendations.

Read and passed and sent up for concurrence, and the Speaker appointed the following members on the part of the House: Mr. Goudy of South Portland, Miss Laughlin of Portland, Messrs. Scates of Westbrook and Breen of Lewiston.

On motion by Mr. Whitten of Lee, Recessed until 1.30 P. M.

Afternoon Session

The following resolves were received out of order, under suspension of the rules, given their two several readings, without reference to a committee, passed to be engrossed and sent up for concurrence:

H. P. 158: Resolve on the payroll of the House of Representatives. (Presented by Mr. Carleton of Portland.)

H. P. 159: Resolve on the payroll of the subordinate officers and employees for the Eighty-sixth Legislature, and of the Chaplains for the December Special Session. (Presented by the same gentleman.)

The following papers from the Senate, out of order, under suspension of the rules.

From the Senate: Joint Order creating a Joint Select Committee for the purpose of preparing an acceptable amendment to bill An act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts (L. D. No. 199)

Which was read and passed in the House earlier in the day.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Hill of South Portland, that body voted to recede from its former action and concur with the Senate in the indefinite postponement of this order.

On motion by Mr. Young of York, it was voted to take from the table L. D. 191, an act relating to salaries of subordinate officers and employees of the Legislature, tabled by that gentleman December 15, pending first reading; and on further motion by the same gentleman the bill was indefinitely postponed.

On motion by Mr. Tompkins of Houlton, it was voted to take from the table L. D. 136, being the report of the committee on Ways and Bridges on an act releasing highway funds for general governmental purposes, the report being ought not to pass, tabled by that gentleman on December 15, pending acceptance of the report.

Mr. TOMPKINS: Mr. Speaker, I yield to the gentleman from Winthrop, Mr. Jones.

On motion by Mr. Jones, the

House voted to accept the ought not to pass report of the committee.

The following paper from the Senate taken up, out of order, under suspension of the rules:

Special message by the Governor to the members of the 86th Legislature, in special session:

The Legislature is about to adjourn without making any provisions for the sale and keeping of intoxicating liquors under the terms of the Constitution.

Hospitals cannot secure a necessary supply.

Reputable dentists and doctors are without a proper supply of alcohol.

Alcohol is used in the compounding of medicines, and can no longer be legally obtained. Our commercial and manufacturing plants using alcohol are without supply.

I desire to call these facts to your attention before you adjourn.

You have the opportunity to remedy the condition by the passage of appropriate legislation.

Legislative Document 107 does not provide a remedy.

The preamble of Legislative Document 107 specifies intoxicating liquor for medicinal purposes only and excludes for mechanical purposes and the arts.

I strongly urge the necessity of legislation permitting our institutions, our industrial and mechanical plants, professional men and citizens to legally purchase intoxicating liquor for medicinal and mechanical purposes and the arts.

The failure to enact legislation will cause bootlegging and smuggling.

You have not yet completed your job.

Respectfully submitted,
(Signed) LOUIS J. BRANN,
Governor.

December 20, 1933.

Comes from the Senate read and ordered placed on file.

In the House, read and ordered placed on file in concurrence.

From the Senate: The following communication:

STATE OF MAINE
Office of the Governor
Augusta, December 20, 1933.

To the Honorable Senate and House of Representatives:

I return without my approval L. D. 127, an act to increase the staff

of the Commander-in-Chief to six by adding an additional member with the rank of Lieutenant-Commander.

The act is returned unsigned for the reason that under the terms of the act as submitted to me for signature Phillips H. Lord, "Seth Parker," is excluded from appointment. It was my understanding that the Legislature desired me to honor and compliment Phillips H. Lord by appointing him, but this act as now worded excludes him from appointment.

Respectfully submitted,

(Signed) LOUIS J. BRANN,
Governor.

The SPEAKER: The question is on the reconsideration of this act as provided in the Constitution. Is there any discussion or debate before the Chair puts the question?

The question is shall this bill become a law notwithstanding the objections of the Governor? To pass the bill over the veto of the Governor requires a two-thirds vote, and the votes must be taken, under the Constitution, by the yeas and nays. The members will remember the rule about remaining in their seats until the vote is completed, tabulated and announced. A vote "yes" is a vote to pass the bill in spite of the veto of the Governor, in other words a vote of "yes" is for the passage of the bill. A vote "no" is opposed to the passage of the bill and to sustain the action of the Governor.

To state the question again, shall this bill become law notwithstanding the objections of the Governor? Is the situation plain to all the members?

Mr. SCATES of Westbrook: Mr. Speaker, I hope everyone understands that a vote of "no" is in favor of the Governor and a vote "yes" is to pass the bill over his veto.

The SPEAKER: The gentleman has stated the situation correctly, and is the House ready for the question? The Clerk will call the roll.

YEA—Bailey, Woolwich; Bartlett, Bennett, Blanchard, Chase, Limington; Cobb, Eldridge, Farris, Friend, Hills, Holden, Lord, MacPherson, Richardson; Sanborn, Weld; Thomas, Tupper, White.—18 yes.

NAY—Allison, Ashby, Audet; Bailey, Whitefield; Belanger, Berry, Berwick, Bovle, Breen, Bucknam, Burgess, Burns, Bushey, Bussey, Carleton, Carswell, Carter; Chase, Baring;

Chase, Sevec; Clark, Cook, Crowell, Deering; Dow, Livermore; Dow, Portland; Drisko, Duquette, Eastman, Fenlason, Fernald; Fogg, Rockland; Fowles, Gallagher, Goodwin, Goudy, Gray, Gross, Haggett, Hall, Ham; Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hawkes, Hescocock, Hill, Hobbs, Hussey, Jones, Knight, Labbee, Laughlin, Leathers, Lebel, Lewis, Lindsey; Littlefield, Alfred; Littlefield, Bluehill; Luce, Mace, Mack, Martin; Mason, Mechanic Falls; Mason, Raymond; Mayers, McKinney, Michaud, Nevers, Newcomb, Norris, O'Connor, Oliver, Osgood, Peacock, Piper, Plouff, Plummer, Rand, Raymond, Rea, Rounds, Rush, Russ; Sanborn, Baldwin; Sargent, Scates, Shaw; Smith, Masardis; Smith, Orono; Smith, Vinalhaven; Soper, Sprague, Sterling, Stern, Stover, Thompson, Thurston, Tillson; Tompkins, Bridgewater; Tompkins, Houlton; Walker, Rockland; Walker, Rockport; Wallingford; Ward, Harrison; Ward, Thorndike; Webber, Whitney, Whitten, Williams, Wright, Young.—115 no.

ABSENT—Carignan, Clement, Collins, Devereaux, Drisko, Flanders, Forgue, Lewiston; Gagnon, Graves, Lancaster, Morin, Quine, Ryder, Viles.—14 absent.

One hundred and fifteen voting in the negative and 18 in the affirmative, and 14 being absent, the veto of the Governor was sustained.

Mr. MACK of Veazie: Mr. Speaker, may I ask for information as to the present status of L. D. 107?

The SPEAKER: The Chair understands that so far as any information has come to this House that the bill is still with the Governor and has neither been signed nor disapproved by him. It has received passage to be enacted in both branches and sent to the Governor last Monday.

Mr. MACK: May I ask that the Clerk read the preamble referred to in the Governor's message, attached to L. D. 107?

The SPEAKER: That Legislative Document can be found on the desk of every person who has retained his bills. It is L. D. 107.

Mr. MACK: As I understand, the preamble referred to was affixed to that bill last Saturday night and is not on the original bill 107.

The SPEAKER: If an emergency preamble has been attached to the bill, the Clerk has no copy of it and it is with the bill in the office of the Governor.

Mr. MACK: Would it be possible to get that so that we might have that information here? The reason I ask the question is that there is some doubt in the minds of some of us as to the wording of the preamble referred to by the Governor in his message, and at the same time before we can take any intelligent action and do anything intelligently, we should have that information.

The SPEAKER: If the House desires to have it read and will be at ease, the Clerk will get it and read it.

House at Ease

The SPEAKER: The pending question is the motion made by the gentleman from Veazie, Mr. Mack, that the Clerk procure a copy of the emergency preamble, if any, on L. D. 107, referred to in the Governor's message.

Mr. SCATES of Westbrook: Mr. Speaker, I do not know whether the preamble amounts to anything or not; but I think it has been the practice of this Legislature that when a bill is sent to the Governor it is on his desk and the Legislature has no authority to recall it unless he so desires.

Mr. MACK: Mr. Speaker, I did not ask that the bill be recalled. We are supposed to use average intelligence in this House of Representatives and we should at least be in possession of the facts on any matter before we are asked to exercise that intelligence. For my own personal information, if for nothing else, I would like to know what is in that. If the matter is of sufficient importance to be referred to by the Governor in his message to us, it certainly ought to be of sufficient importance for us to understand what he is talking about.

Mr. MAYERS of Hallowell: Mr. Speaker, is it not a matter of fact that the Clerk of the House has an extra copy of the bill as enacted? I think you will find that he has. I know that I obtained one down at the Secretary of State's office and they informed me down there that the Clerk of the House also had a copy of that bill. If that is so, it would be available to the members of the House.

The SPEAKER: The Clerk states that he did at one time have a copy of the bill as engrossed but now has no copy. The House will be at ease.

Senate Bill in First Reading

(Out of order, under suspension of the rules.)

S. P. 79: Resolve on the payroll of the Senate.

(Thereupon the resolve was given its second reading under suspension of the rules and passed to be engrossed.)

From the Senate: Final report of the committee on Appropriations and Financial Affairs.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Papers from the Senate, disposed of in concurrence.

On motion by Mr. Fenlason of North Anson, it was voted to take from the table an order introduced by that gentleman earlier in today's session relative to limitation of debate in the House; and on further motion by the same gentleman the order was indefinitely postponed.

The SPEAKER: The Chair takes pleasure at this time in announcing that the House has completely cleared its calendar, with the exception of L. D. 199, which is still on the table.

On motion by Mr. Goudy of South Portland it was voted to take from the table L. D. 199, an act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts, tabled by that gentleman earlier in the session, pending question being passage to be engrossed.

Mr. GOUDY of South Portland: Mr. Speaker, I now yield the floor to the gentleman from Rockland, Dr. Fogg.

Mr. FOGG of Rockland: Mr. Speaker, I am here to complete my job. I see headlines in the paper here that "Maine Solons Lack Nerve." I have nerve, and I wish to present House Amendment I to Legislative Document 199.

The SPEAKER: We revert now to the original document, L. D. 199, every amendment which has been offered, both House and Senate, as far as the House is concerned having been wiped out or indefinitely postponed.

The gentleman from Rockland, Mr. Fogg, now offers House Amend-

ment I to L. D. 199, and moves its passage.

The Chair will state that there was an amendment offered to the bill at one stage of the complicated proceedings which introduced an amendment inserting a sub-paragraph, to be known as Paragraph P, which has been indefinitely postponed. The Chair understands that the gentleman from Rockland, Mr. Fogg, is willing that the Clerk should change the letter Q in his amendment to P, and the Clerk will make the change.

Now the Clerk will read House Amendment I.

“House Amendment I to Legislative Document 199.

“Amend said document by inserting in Section 5 a paragraph to be known as Paragraph P, under heading ‘Retail Licenses’:

“P. Every person, before purchasing any spirituous liquors or wines shall procure a card which, shall be non-transferrable, from the board, for which he shall pay \$1, good for one calendar year unless sooner revoked, and which limits the amount to be purchased in any one week to one quart, unless for cause shown, based upon physicians’ certificate, a greater quantity shall be allowed by said board. The card shall be punched by the pharmacist, and a signed record as may be prescribed by the board shall be signed at the time of each sale.”

And further amend said bill by striking out all of Sections 10 and 11 of said bill, and further amend said bill by striking out of said bill all of Section 18 on transportation and inserting place thereof the following:

“Transportation. The transportation of spirituous liquors and wines within the State or importation into the State to be sold under the provisions of this act or purchased in accordance with the terms thereof and not intended for sale in the State of Maine, is hereby permitted.”

The SPEAKER: The pending question is on the adoption of House Amendment I.

Miss LAUGHLIN of Portland: Mr. Speaker, I move the indefinite postponement of this amendment. It leaves all the evils in this bill. Anybody can go and buy a quart a week, and then he can buy as much more as he can persuade any physician to prescribe for him. Certainly we

will label Maine as the home of invalids. They can buy as much more as they can get a physician to prescribe for them. All of the objectionable features which make that a pure booze bill are in it.

The question has been raised that L. D. 107 might be vetoed, and the question has been raised in regard to the emergency preamble. Section 16 of Article XX of the Constitution of Maine says: “No act * * * shall take effect until ninety days after the recess of the Legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act), the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety * * *”

Now certainly the suggestion made in the message you heard read here in regard to the fact that the preamble of a bill takes precedence over the terms of the bill is a principle of law that I do not think any lawyer here has ever heard of before. It is as if we passed a resolve that that whereas something was so and then we appropriated the money, that the whereas clause had got to be absolutely correct or the law would not pass. The Supreme Court of this State has declared that the title, even if it is wrong, makes no difference. It is the terms of the bill, and all the terms of the bill come after the to be enacted clause, and what that bill means is covered by the to be enacted clause, and what comes after it, and no mere recital in the preamble can possibly change those provisions.

Now if they did, and it was going to be necessary to put it into the preamble, the matter of liquor for mechanical purposes and for the arts, I think we would weaken the bill. If there is an emergency here for the peace, health and safety of the public for liquor for medicinal purposes there is a question whether there is an emergency for mechanical purposes. It might be properly said that for medicinal purposes it might affect the peace, health and safety within the State, and that is cited in the preamble of L. D. 107.

This is merely the preamble. The provisions of the bill cannot be set aside because you did not put every-

thing in the preamble. You might put in a lot more stuff, you might put in all the stuff about the druggists. We might put in the preamble that an emergency exists because of lack of liquor. We have enacted a bill and at the end we have stated that this bill shall take effect when enacted, which is the material part of it. The other is more or less in the way of surplusage, and at the end we have stated that this bill shall take effect when enacted, which is the material part of it. The other is merely in the way of surplusage, what in law might be called merely directory, not mandatory, but the clause to take effect when enacted, and the provisions of that bill is what control.

In this House we adopted Senate Amendment A which attached the emergency clause to L. D. 107, and on December 18, we passed that bill with the emergency clause, and it is the height of absurdity to come here and say that something in the preamble is going to control the provisions of the bill we have enacted.

So, at the present time, when L. D. 107 is signed, it is perfectly possible for every hospital and manufacturer of extracts, and, furthermore, for every person to bring it in for his own use. This is going back to the bill which has been defeated in the House, to put an amendment on which is probably the worst we have had yet. Anyone can get a permit and go and buy a quart of intoxicating liquor, whiskey, brandy, gin, or anything else, every week, and if that does not satisfy him then he can get a prescription and buy as much more as he can persuade the doctor to prescribe for him.

The fact that the gentleman from Rockland introduced this amendment is quite amazing to me, since he opposed the amendment the other day on the ground he did not want physicians to give prescriptions. Now he brings in an amendment, and he wants them to give prescriptions after a person has had a quart a week. That is all right. He thinks it would be all right to give prescriptions after a person has had a quart a week. It seems to me that of all the vicious things in the bill this surpasses them all.

I hope we will indefinitely postpone

this amendment and postpone the bill afterwards and go back to L. D. 107, which permits hospitals, manufacturers of flavoring extracts, and even persons for their own use, immediately when that bill is signed by the Governor, to bring liquor into the State.

Mr. WRIGHT of Bath: Mr. Speaker, I would like to ask that the Clerk read the amendment again. Some of us do not have the bill before us.

(House Amendment I re-read by the Clerk.)

Mr. FOGG of Rockland: Mr. Speaker, I introduced this amendment with the idea that I had taken away from the doctors of Maine the prescription privilege. Giving a certificate is not writing a prescription, and I would be willing to have that part of the amendment removed, the certificate of a physician. That phase is not important to me. I think there would be but very few instances where physicians would be called upon to give a certificate which would have to come here to Augusta, to the Board. Under this amendment the doctor cannot write a prescription for them to take to the drug store and have it filled.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to ask this question. Is there any revenue in this except the one dollar that the applicant would pay to the board?

The SPEAKER: The gentleman from Rockland, Mr. Fogg, may answer.

Mr. FOGG: If I may answer, there is another section dealing with revenue. There would be an excise tax of 10 cents per pint, 20 cents per quart.

Mr. GOUDY: Mr. Speaker, and members of the legislature, you will recall that sometime prior to your election as representatives to the legislature you were very desirous of obtaining votes, and you solicited votes from different organizations and led them to believe that if elected you would be able to cope with any problems that might concern you for the government of the inhabitants of our State.

Now the State is in destitute circumstances. We need revenue. What do you people want to do in the face of that condition? You want to go home.

You well knew when you solicited this job that the legal pay was \$2 a day for a special session, and

with all of these facts in view you did solicit funds to enable you to be elected in this House. Now the same people whom you asked to support you are calling upon you for your assistance in this financial dilemma. We have tried throughout this special session to agree, to compromise, to get some kind of a liquor bill that would satisfy everybody. That is absolutely impossible.

Now I am not perfectly satisfied with this bill, but it is the best we have. It is the only thing that we have before us. I am willing to make some concessions. It is absolutely impossible to pass a sales tax; it is absolutely impossible to pass an intangible tax. It is absolutely impossible to pass any kind of a tax. Now the only measure which will bring in any revenue to the State which is popular with our constituents is some kind of liquor legislation.

It seems to have been the desire of some of the members of this legislature throughout this special session to attempt to find out what our constituents do not want and then give them plenty of it. I am taking the other view. I feel that a large majority of our constituents are looking forward and expecting that we will pass some kind of a liquor legislation bill to enable us to bring into this State some revenue which we need so much at this time. As I say, this bill is not exactly what I would like. I would like to have a bill in some respects different, but we cannot suit everybody, we have got to take what we can get and make the best of it, and I believe that before adjourning and before going home we should pass some kind of liquor legislation to bring some revenue into the treasury of this State, which so badly needs it. (Applause)

Mr. TOMPKINS of Bridgewater: Mr. Speaker and members, I at the present time am ready to believe more than ever before in my life that when you come to the liquor traffic that there are only two roads. One leads to prohibition, and the other leads to the saloon. There is no half way business, no half way station that I can see.

For over 70 years, the liquor crowd has been fighting every piece of legislation to control the liquor, and today they are fighting prohibition in the name of temperance, and if you should pass tomorrow this piece of legislation regulating the saloons or stores or whatever

you might call them, by day after tomorrow they would be fighting regulation.

It has been brought to our attention here many, many times during this session, about the matter of revenue, it is all revenue. Now I want to bring to your attention the fact that no employee of this State has gone hungry. Every employee of this State, either within or without the State House, has had his pay every week. Every interest item that has come due on our bonds and other obligations has been paid, and all bonds as fast as they have become due have been retired, and will be retired. The last fiscal year we received over \$7,000,000 from gas tax and automobile registration.

This talk of revenue is propaganda for one side and one side only. It is unfair to bring this legislation to us at this time, and it is unfair to the people of the State of Maine to bring such legislation as this to this House or to this legislature because when the people back home voted to send you and to send me here to this legislature they had no idea whatever that such legislation would be brought to our attention.

We all know the aim of this. It is the aim on the part of the same class of people to bring more gold into their pockets, more funds to swell their bank accounts. That is the aim of it, to sell more liquor. It is not for medicine at all.

Now last winter when the beer bill came up the proponents of that bill said, "If you will do thus and so for us, it will satisfy the people, and it will do away with the bootleggers in the State of Maine. I ask any man or woman here today: Has it done those things? It has not. That was only a starter, only a wedge, and we knew it at the time. The same class of people today are saying we are going to sell whiskey cheap and thus keep the bootleggers out. You can sell it at a 10 per cent profit or a 5 per cent profit if you want to, and the bootleggers will meet you half way.

Some of those who are anxious for this bill to pass are saying that the old saloon was a menace to society, and to our civil government. Ladies and gentlemen, do not let this crowd of people fool you too much, because most of the old timers who were in the liquor business before the 18th Amendment became a law are still living today. It has

only been 14 years, and they will slip back into the business again. And I ask any man here if he has any evidence whatever that any of these fellows have had a change of heart or have been converted to anything better?

I say this bill will not protect the people of this State from the bootleggers. If you want to take the time to look at some of the old newspaper records before the day of the 18th Amendment, you will see some of the brewers and liquor dealers themselves even sold to bootleggers and to resorts and places of vice. That is a common occurrence.

Liquor control by the State — there is no such animal. You cannot control the house where the liquor is sold, you cannot control the man behind the bar or counter who deals it out. The only thing that you can control is the license.

One man said to me today—and I will make my remarks short—What will you vote for? I will tell you what I will vote for, and I am not ashamed to have it appear. I will vote for the same things that we had under the 18th Amendment. I will vote for the same things we had under the federal laws. I am willing that the doctors of this State shall have their five gallons of alcohol a year and their six quarts of whiskey, and I am willing that the hospitals of our State shall have all the alcohol, and liquors that they need, and they can get that under Legislative Document No. 107. I believe that regardless of what anybody else says, because I have it from the minds and from the mouths of four of the best legal minds I believe we have in the Legislature today. And I think that is perfectly sufficient. You have re-submission before you, so why hurry this thing along? Why not wait until we see what the people want to do with the 26th Amendment and then if they repeal it, that is another story.

In the name of Heaven, men and women, have we no sense of honor, have we no sense of right? Do we not know that to put across such legislation as this is simply nullification of the Constitution of Maine? I do not know how you members feel about voting for any such legislation as we have presented to us here, but for me to vote for the like of that, I would consider myself a bootlegger, a temperance fool, and nothing else. I

believe that no profounder disaster could come to our people today than to rip an ideal from the Constitution of the State of Maine that has been in there long before many members of this Legislature were born. God help this Legislature, and God help the State of Maine if we vote at this time to put the State of Maine into the liquor business legally.

Mr. Speaker, I hope that the motion made by the member from Portland (Miss Laughlin) will be sustained.

Miss LAUGHLIN: Mr. Speaker, just a word or two. We voted the other day in this House against the enactment of this bill. The only change offered is to say that persons will have a permit, and then they can buy a quart a week and more if the physician writes the prescription. There is no other change. The amount of revenue that would come in under the medicinal part would be negligible. We are simply trying to nullify our Constitution by selling it for beverage purposes.

The amendment shows its purpose. Anybody can go in and buy a quart a week, they do not even have to say they are sick, and then they can get more by getting a certificate from a doctor.

I am not so impressed by some of the statements of the members in regard to emergency finances. I introduced a bill providing for a poll tax for women, which would have brought in \$300,000 to the coffers of our towns and cities and would have helped pay taxes. The committee voted against it, and I asked the Chairman why. "Well," he said, "because this committee did not think we needed the money." And they are the very ones who are talking about revenue.

So it simmers down to this, that they do not need money out of something else, but if it is a matter of getting back the saloon under some other name in Maine, then they need the money. It seems to me that this House, having voted against the enactment of this bill, should insist upon its action. For Heaven's sake, are we never going to have an end to the thing, no matter how you vote? I hope you will stick to your previous vote, and that this amendment will be indefinitely postponed and the bill with it.

Mr. FENLASON of North Anson:

Mr. Speaker, may I ask the member from Portland (Miss Laughlin) a question?

The SPEAKER: The gentleman from North Anson, Mr. Fenlason, desires to ask a question of the member from Portland, Miss Laughlin. The gentleman may ask the question and she may answer if she chooses.

Mr. FENLASON: Provided that no liquor laws are set up and provided in September that the 26th Amendment is repealed, what are you going to do? What is the State going to do until such time as we can get together to enact some laws?

Miss LAUGHLIN: If the 26th Amendment is repealed in September and we need liquor legislation for the time being, it seems to me that when the Governor can call a special session of this Legislature for the benefit of one bank only, it seems as if it might be possible for us to have a special session to deal with an existing situation which is far more important than to pass legislation asked for by one bank, which we came here to do a little while ago. Further, of course, the Supreme Court has ruled that you cannot set up legislation to take effect if and when, and if this Legislature should pass such a law it would be set aside as unconstitutional. It would be an attempt to sell for beverage purposes in violation of our Constitution.

Mr. FENLASON: They could not sell it from the back of a cart or peddle it from door to door until such time. In other words, have we liquor laws on the statute books?

Miss LAUGHLIN: We will have laws on our statute books which will permit the thing we have talked about here, permit them to bring it in for hospitals, medicinal and mechanical purposes, if the Governor will sign L. D. 107, which is all we can do legally under our Constitution, bring it in and sell it for those purposes only, medicinal liquor and the arts, and that is provided for in L. D. 107, and for no other purposes.

Mr. FENLASON: I understood the Governor to say he would not sign it, so that is a thing of the past.

Miss LAUGHLIN: We have no veto message, Mr. Speaker, in this House, and if the Governor chooses to override the Legislature and say in spite of the law we have passed permitting hospitals to bring it in

for medicinal purposes, permit manufacturers to bring it in for mechanical purposes, even permit individuals to bring it in for personal use, and putting a ban only against sale, then I say let the Governor veto it and take the consequences, because he alone will be responsible for not permitting hospitals and manufacturers to obtain it. The Legislature has provided for it. I should hope that this Legislature would not be forced to retrace its steps after it has voted against the enactment of the bill because anybody, the Governor or otherwise, stands up and says, "You obey me or I will veto your bill that provides for the very things I have advocated." (Applause).

Mr. PIPER of Bangor: Mr. Speaker, I have sat here and listened with a great deal of interest to a member of the legislative branch announcing what the head of the Executive Department of the State should do. It is true that we enacted L. D. 107 as a department of State, the Legislative branch. It is true that, according to the usual procedure, after it had been enacted it went to the Governor, who has a right to sign it or has a right to veto it. I do not question that, not at all, and it is not for me to say that our action on this bill is dependant on what the action of the Chief Executive may be on some other piece of legislation in the Executive Chamber.

At the present time, and in spite of Legislative Document 107, there is no way in which an ounce of spirituous liquor can be sold in the State of Maine by anybody, legally, for use in sickness, for mechanical purposes or the arts. We have not provided any legislation for that. This bill provides it. L. D. 107 simply deals with the transportation of liquors. It is true that if a man wants to go to Boston, he can bring a quart or a gallon. It is true that if a man wants to buy liquor for beverages, he can hunt up some bootlegger and buy it. That is the custom. So far as I am concerned, if there is sickness in my family or in my neighbor's family, and it is absolutely necessary to have some spirituous liquors to relieve suffering and to save life, I want some legal way in which that liquor can be bought. I have been reduced to the condition where an old man ninety years old was sick with heart

attacks, and his people appealed to me to save his life. His physician said that he should have some good whiskey. I bestirred myself, try to buy some whiskey in every drug store in the city of Bangor and was unsuccessful. I went over to the Customs' Department, where they had plenty liquors in storage, necessarily, not getting a drop. I went to a business friend of mine and stated the situation who said "I will call up a bootlegger tonight and see what I can do for you." Two days after that the bootlegger came into the place of business where I worked and said to me: "Mr. Piper, I believe I have got something here that you want." He opened his bag, took out a quart of Scotch of doubtful quality, and that was the stuff I had to take to the old man. I violated the law in transporting it but I didn't violate the law by being paid for it because I gave it to the old gentleman. A neighbor of mine was stricken with heart trouble. She had a daughter and two nurses in the family. They called a physician and the physician said "The only hope for your mother is whiskey." My wife went into the house and they told her. I had a bottle of whiskey in my house that I had had for two years, given me by a friend. It was good whiskey and the seal had not been broken. We relieved that want from my household because those people could not get a drop of whiskey to give to that mother. I don't know whether our whiskey, or my whiskey, saved her life or not but she did recover and she is alive today.

Now this is the point! The bone dries do not want any liberality at all in the liquor business; they don't want to give away an inch; they want to fight to the last ditch and force men who want any liquor for medicinal purposes to go to a bootlegger and buy it illegally. You may talk about transportation! This bill to my mind is a well-written bill. It places the control in a board here in Augusta; it specifies that the liquor shall be sold for medicinal purposes; it has got teeth in it. I do not know why anybody who realizes our present condition would object to voting for this bill. It is an experiment at best. In a little more than a year from now another Legislature will be in session and it can kick the stuffing out of this act if it wants to and put into effect some other act. We face the situation where we

are going to have liquor traffic. Look at the vote all over the country on the repeal of the 18th Amendment! Look at the vote registered in this State! You may clothe prohibition with all the dress of sanity that you want. To me it is worn out and discarded and we are going to have something else. Let us control the liquor business in a sensible manner. Let us start here now and provide a reasonable, legitimate way liquors can be purchased legally to be used for sickness, to be used for mechanical purposes and to be used for the arts, as allowed under the Constitution.

Now the revenue! As I said yesterday, we have enacted every step of the program, every recommendation, every need decided upon by the committee on Appropriations and Financial Affairs, the Taxation committee, the Budget Officer, the Controller, the State Treasurer, the Tax Assessor and the Governor, and we formulated a program. Flexibility was one, the transfer of the \$400,000 from the Motor Transport account was another, a Tax Commission to report on or before February 12th was another. All of these things have been passed and the only other thing that was recommended in the program was some form of liquor legislation that would permit the sale of intoxicants or spirituous liquors for medicinal, mechanical purposes and for use in the arts, and would bring in a revenue of \$300,000 or more. That's the only thing lacking in the program.

There are things about this bill that do not meet my personal views as to the dispensing of liquor for beverage purposes, but there is nothing about this bill that disagrees with my views in the dispensing of spirituous liquors for medicinal, mechanical purposes and the use of the arts. I am going to vote for this bill because I believe that it is sensible, that it is safe, that it is sane and that it is just. I believe it places the control in the proper hands in a Board already created and functioning very satisfactorily and very ably. I hope that the motion to indefinitely postpone will not prevail. (Applause)

Mr. CROWELL of Weston: Mr. Speaker, if the sick people of Maine have to pay the necessary and legitimate expenses of sickness, and in addition to that have to pay a rev-

enue to the State of Maine of \$300,000, I am pretty sure that some doctor's bills will go unpaid. Do we as members of the Eighty-sixth Legislature believe that there will be enough legitimate alcoholic liquors used in legitimate sick cases so that we, the taxpayers of Maine, will be relieved of \$300,000? If my memory does not fail me, those are the lowest figures I have heard yet. It was not but just a day or two ago that they were telling us that it would give us half a million dollars. I have been thinking of a superstition of my childhood and I have been trying to recall just who told it to me. This is the way the story went that a snake had nine lives and no matter how many times you killed it, the tail would wiggle until darkness. That seems to be the history of this low license rum bill, L. D. 199. We have killed it almost nine times and the tail will wiggle until darkness tonight.

Mr. PLUMMER of Portland: Mr. Speaker, I have great respect for the gentleman from Bangor (Mr. Piper). I have known Bangor for a good many years and I did not suppose there ever was a time when you could not buy a quart of whiskey in Bangor. (Laughter)

Now, gentleman, they are making a great deal of talk about how we are going to get along. You know that up to 1911 we had an Agency bill. In 1911 that was repealed, and that repeal was advocated by both dries and wets. They came to a point where they said "Throw it out". Now it was repealed and from that time up to the time when the Eighteenth Amendment was enacted in the State of Maine, there was no law that would allow hospitals, sick people or anybody else to buy liquor and we never had one particle of trouble. In fact we never heard anything about it.

I want to say in answer to my friend from South Portland (Mr. Goudy) this: He spoke about a certain howl among our constituents to pass this bill. Now I am a Representative from Portland and he comes from South Portland. There may be quite a lot of difference between South Portland and Portland but I have never received a letter from Portland in regard to this matter except the letters that I receive from the drug stores. I have, however, received quite a number of letters from constituents asking me to

oppose the bill. I do not think we need to worry about that howl.

Mr. CARSWELL of Gorham: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Gorham, Mr. Carswell, moves the previous question. The consent of one-third of the members to the motion for the previous question is required. All those in favor of putting the previous question will rise.

A sufficient number obviously having arisen, the previous question was ordered.

The SPEAKER: The question now before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question now will say yes, those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The pending question is the motion of the member from Portland, Miss Laughlin, that House Amendment I be indefinitely postponed. All those in favor of the motion will say aye, contrary minded no.

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

On motion by Mr. Fogg of Rockland, House Amendment I was adopted.

Mr. CARSWELL: Mr. Speaker, I offer House Amendment A as amended by House Amendment A and by House Amendment B and move its adoption.

The SPEAKER: The Chair understands that the gentleman from Gorham, Mr. Carswell, moves that the House reconsider its action taken at a previous session whereby it indefinitely postponed House Amendment A as amended by House Amendment A to House Amendment A.

The motion prevailed; and on further motion by the same gentleman House Amendment A as amended by House Amendment A to House Amendment A was adopted in non-concurrence.

The same gentleman also moved that the House reconsider its action whereby House Amendment B was previously indefinitely postponed; and on further motion by the same gentleman the House voted to adopt House Amendment B in non-concurrence.

On motion by Mr. Piper of Bangor, it was voted that the bill as

amended by House Amendment A, as amended by House Amendment A to House Amendment A, and as amended by House Amendment B and by House Amendment I be passed to be engrossed.

FINAL PASSAGE

(Out of order, under suspension of the rules)

(S. P. No. 79) Resolve on the pay roll of the Senate

(H. P. No. 158) Resolve on the pay roll of the House of Representatives

(H. P. No. 159) Resolve on the payroll of the subordinate officers and employees of the 86th Legislature, and of the chaplains for the December Special Session

From the Senate: (Out of order) Bill an act to correct an error in date in act entitled an act to amend an act to re-draft the charter of the city of Biddeford, passed at this December, 1933 Special Session, S. P. 80, was received this afternoon in the Senate by unanimous consent under suspension of the Joint Order limiting introduction of measures, read twice and passed to be engrossed without reference to a committee under suspension of the rules.

Mr. FARRIS of Augusta: Mr. Speaker, the purpose of this bill is to correct an error in L. D. 196. That act states "shall be deemed to have taken effect 90 days after its approval, to wit, June 28, 1933," and our Constitution provides that the bill shall take effect ninety days after the recess of the Legislature. That wording has been stricken out in L. D. 196 and this substituted: "shall be deemed to have taken effect 90 days after recess of the Eighty-sixth Legislature passing it, to wit, June 30, 1933."

This will also help the State in this way. In order for the city of Biddeford to borrow money from the banks the lawyers have decided and advised them that this would have to be corrected. I understand they have a loan under negotiation whereby they can raise money and pay \$43,000 State tax that was due last year. For that reason I trust the House will give it unanimous consent for the introduction of this bill at this time.

The SPEAKER: Before the bill can be received, it will be necessary to suspend the closing order, adopt-

ed in the closing days of the session. Is there any objection to this? Hearing none the Chair rules that the bill has been received and the closing order suspended for that purpose.

Thereupon under suspension of the rules and out of order the bill was given its three several readings without reference to a committee and passed to be engrossed in concurrence.

The SPEAKER: The Chair again takes pleasure in announcing that the House Calendar is clear and that we have acted upon everything that has come to us.

House at Ease

After Recess—5.40 P. M.

Miss Laughlin of Portland presented the following order and moved its passage:

Ordered that 500 copies of H. P. 156, L. D. 199, as amended, be printed in document form.

The order received passage.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Eldridge.

Mr. ELDRIDGE: Mr. Speaker: there is an editorial's in tonight's Evening Express that I would like to have read into the Record.

The SPEAKER: The gentleman from Eastport, Mr. Eldridge, asks unanimous consent for the Clerk to read into the Record an editorial appearing in the Portland Evening Express today entitled "They're Laughing at Us."

Miss LAUGHLIN of Portland: Mr. Speaker, I certainly object to the reading of the editorial into the Record. It is an insult to this House of Representatives, and if unanimous consent is required, I certainly object.

The SPEAKER: The Chair thanks the member from Portland, Miss Laughlin, and unanimous consent has been refused.

Mrs. CARTER of Fairfield: Mr. Speaker, I move that the House recess until 8 P. M.

The SPEAKER: There is nothing more that the House can do until eight o'clock. L. D. 199 has just been passed to be engrossed in the Senate in concurrence with the House and it must of course be re-engrossed. It will be two hours and a quarter before it will be ready for any further action, so on the motion

of the member from Fairfield, Mrs. Carter, the House stands recessed until 8 o'clock this evening.

Evening Session

Bill on its passage to be enacted, out of order, under suspension of the rules.

(Emergency Measure)

S. P. 80: An act to correct an error in date in act entitled "An act to amend an act to redraft the charter of the city of Biddeford.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-one voting in the affirmative and none in the negative the bill was passed to be enacted.

H. P. 156, L. D. 199: An act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts.

The SPEAKER: Is the House ready for action on L. D. 199, the so-called medicinal liquor bill? If the House cares to work on it now, we will proceed. The Clerk informs the Speaker that shortly there will be some printed copies of the document here for your study if you need them. The Chair will put the House at ease or we will proceed. If there is no objection to proceeding, the pending question is the passage of the bill to be enacted.

Mr. WRIGHT of Bath: Mr. Speaker, yesterday afternoon I voted against L. D. 199. I did so for the reason that I thought there were provisions in it which were objectionable. One objection was that hospitals would not be allowed to get alcohol for their uses. But I believe the bill has been amended that it is pretty well safeguarded in all its provisions. I doubt if there is any agency which could be set up for the distribution of liquor in Maine which would not be subject to some abuses. This morning the Governor said that we had not passed any laws satisfactory along this line. It is my belief that he has from the beginning known the

provisions of the bill and I think it would be a wise thing to support the bill, and, if we can pass it by the emergency clause method, so much the better. If, however, the emergency clause fails, it will go to the people on a referendum. In any event the Legislature will have passed a bill which will be sent to the people for their action. It is true that we have No. 107, which I believe the Governor will sign, but I see no objection to passing this bill. It is my belief that if the bill does pass and if we do set up such an agency that the Legislature will be able to take care of any violations of the law as they may arise. It is also my belief that the bill is constitutional, and, if I am not mistaken, I think it provides penalties for improper sales of liquor.

There can be no doubt in the world but what there are a great many people in the State of Maine who wish to have liquor on sale not only for medicinal purposes but also for beverage purposes. I also believe that the use of liquor can be regulated by the people, by the Legislature.

If the Governor desires this bill to be passed, and I believe he does, then I think we should support the bill, pass it and await the Governor's action.

In closing, I can see no reason why this bill should not accompany L. D. 107, and I can see no objection to supporting the bill.

Mr. ELDRIDGE of Eastport: Mr. Speaker, I move that the House recess until the printed bill arrives.

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

The SPEAKER: Is the House ready for the question?

Miss LAUGHLIN of Portland: Mr. Speaker, is the matter which is before us now the passage of the bill to be enacted?

The SPEAKER: That is the pending question.

Miss LAUGHLIN: I will waive waiting for the printed document. I do not want to take much time except to say I had thought that it was not possible to make this bill any worse than it was, but this amendment has succeeded in doing so. At last the hypocritical subterfuge is off. We have it straight before us that this is meant to be a beverage bill, in violation of the Constitution, and I am sure that no sane member present thinks that a person needs a quart a week for

medicinal purposes, and then, in addition to that, whatever further he can get through prescription.

Legislative Document 107, if signed, permits the hospitals to get all that they need for medicinal purposes; it permits manufacturers of flavoring extracts and other manufacturers to get all they need for the purposes of their business. It even goes further and permits an individual to transport liquor provided it is for medicinal purposes.

Now we had quite a sob-sister tale this afternoon about some poor old man of 90, how difficult it was to get liquor for him. That was the situation, of course, without the passage of 107. It would no longer be the situation with the passage of 107.

Now the only argument we could have for it this afternoon was on the matter of revenue, and it was estimated that we would have in revenue \$300,000. In other words, we would sell 1,500,000 quarts. I say again, no sane person can believe that any such amount could be used for medicinal purposes only.

The gentleman from Bangor (Mr. Piper) also took occasion to reprove the House for trying to tell the executive department what to do. Of course the House has done nothing, or the Legislature. There are three branches here, the executive, the judicial and the legislative. It is the part of the executive to enforce the laws. It is the part of the executive to either sign a bill or veto it when it comes from the legislature. It certainly is no part of the executive's duty to go beyond that. The Legislature has simply, in the performance of its constitutional duties, passed L. D. 107. It is now before the Governor for him to exercise his prerogative. There is no dictating to the executive department. The legislative department passes legislation. That is what it is for.

So those who really want liquor for medicinal purposes are perfectly taken care of under L. D. 107. Of course there are those who want liquor for beverage purposes, and the gentleman from Bath (Mr. Wright) said that a great many people do, nevertheless, under our Constitution it is unconstitutional to purchase in this State liquor for beverage purposes.

We had this bill before us, we voted on it several times over, moved to start in again by recon-

sideration. Certainly we do make a farce of legislation when we vote one day to do a thing and the next day to reconsider and come back again and vote to do something else and then come back and reconsider.

So, as I have said, we have taken care of all that we can constitutionally do under L. D. 107. To go any further and pass this bill simply means that we want to go beyond what the Constitution provides. Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The pending question is the passage of the bill to be enacted. The member from Portland, Miss Laughlin, has moved that when the vote is taken, it be taken by the yeas and nays. The yeas and nays will be ordered if one-fifth of the members present vote therefor. All those in favor of having the vote by the yeas and nays will rise and stand in their places until counted and the monitors will make and return the count.

A division being had and more than one-fifth of the members having obviously arisen, the yeas and nays were ordered.

The SPEAKER: The pending question is the passage of the bill to be enacted. The bill has had its three several readings in the House, passed to be engrossed, had its several readings in the Senate and there passed to be engrossed and has been reported by the committee on Engrossed Bills as truly and strictly engrossed. The bill carries an emergency clause and on its passage to be enacted requires a two-thirds vote of the entire elected membership of the House. All those in favor of the passage of the bill to be enacted will vote "yes" when their names are called. Those opposed will vote "no". Is the situation clear to every member present? The members will remember to remain in their seats until the vote has been taken, tabulated and announced. The Clerk will call the roll.

YEA—Audet, Belanger, Berrv, Berwick, Boyle, Breen, Burgess, Bushey, Bussey, Carleton, Carswell, Carter, Chase, Baring; Cook, Duquette, Eastman, Eldridge, Farris, Fenlason, Fogg, Rockland, Friend, Goodwin, Goudy, Gray, Gross, Hall, Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hescocck, Hussey, Jones, Knight, Labbee, Leathers, Leibel, Lewis, Lindsey, Littlefield, Blue-

hill; Mace, Mack, Mason, Raymond; McKinney, Michaud, Morin, Nevers, Newcomb, O'Connor, Piper, Plouff, Rand, Raymond, Rea, Richardson, Rush, Scates, Shaw, Smith, Orono; Smith, Vinalhaven; Soper, Sprague, Sterling, Thompson, Thurston, Tupper, Ward, Harrison; Ward, Thorndike; Wentworth, Whitten, Williams, Wright.—74 yes.

NAY—Bailey, Woolwich; Bartlett, Bennett, Blanchard, Bucknam, Chase, Limington; Chase, Sebec; Clarke, Cobb, Crowell, Deering, Dow, Livermore; Dow, Portland; Dunn, Fernald, Fowles, Gallagher, Haggett, Ham, Hawkes, Hill, Hills, Holden, Laughlin, Littlefield, Alfred; Lord, MacPherson, Martin, Mason, Mechanic Falls; Mayers, Norris, Oliver, Osgood, Peacock, Plummer, Russ, Sanborn, Baldwin; Sanborn, Weld; Sargent, Stover, Thomas, Tillson, Tompkins, Bridgewater; Tompkins, Houlton; Walker, Rockland; Walker, Rockport; Wallingford, Webber, White, Young.—50 no.

ABSENT—Allison, Ashby, Bailey, Whitefield; Burns, Carignan, Clement, Collins, Devereux, Drisko, Flinders, Forgue, Lewiston; Gagnon, Graves, Hobbs, Lancaster, Luce, Quine, Rounds, Ryder, Smith, Masardis; Stern, Viles, Whitney.—23 absent.

Seventy-four having voted in the affirmative, 50 in the negative and 23 being absent, and 74 being less than two-thirds of the entire elected membership of the House, the bill fails of enactment.

Mr. HILL of So. Portland: Mr. Speaker, I now move that the bill be indefinitely postponed. Hour after hour, day after day this liquor problem has been before us and has been discussed here in this House. We have listened for a long time to arguments for it and against it. It has been discussed from every angle. It has come before us on its passage to be enacted twice, and twice upon a roll call vote and has failed of passage. I hope that the bill may now be indefinitely postponed.

Mr. SCATES of Westbrook. Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. SCATES: I think that the bill has already been settled and that it cannot be postponed. It is not in order.

The SPEAKER: The Chair rules that the motion is in order. The pending question is the motion of the gentleman from So. Portland, Mr. Hill, that the bill be indefinitely postponed.

Miss LAUGHLIN: Mr. Speaker, I ask for a division.

A division being had,

Sixty-one voting in the affirmative and 48 in the negative, the motion prevailed, and the bill was indefinitely postponed.

Mr. HILL: Mr. Speaker, I now move that the House reconsider its action whereby the bill was indefinitely postponed, and I hope my motion will not prevail.

A viva voce vote being doubted, A division was had.

Eleven voting in the affirmative and 57 in the negative, the motion failed of passage and reconsideration was refused.

Mr. BELANGER of Winslow: Mr. Speaker, may I ask a question through the Chair of the gentleman from South Portland (Mr. Hill)?

The SPEAKER: The gentleman from Winslow, Mr. Belanger, wishes to ask a question of the gentleman from South Portland, Mr. Hill. He may ask the question, and the gentleman may answer if he wishes.

Mr. BELANGER: Mr. Speaker, I would like to ask the gentleman from South Portland if he intends to make up his mind tonight? (Laughter)

The SPEAKER: The gentleman may answer if he desires.

Mr. HILL: Mr. Speaker, I think that no answer is necessary.

The SPEAKER: Is there any further business to come before the House at this time? If not, the House may be at ease, to assemble at the sound of the gong.

AT EASE

From the Senate: (Out of order, under suspension of the rules)

Ordered, the House concurring, that the Governor and Council are hereby requested to practice all proper economies possible in the administration of the State, using the authority given them by the Administrative Code Act, to this end.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

A message was received from the Senate, through Senator Weeks of Somerset, informing the House that the Senate had transacted all the business before it and was ready to adjourn without day.

On motion by Mr. Scates of Westbrook, it was voted that the Chair appoint a committee to wait upon

the Senate and inform that body that the House has acted upon all business before it and is ready to adjourn without day.

The Chair appointed on that committee Mr. Scates of Westbrook to perform that duty and that gentleman conveyed the message to the Senate, and upon his return announced that he had performed the duty assigned him.

From the Senate: (Out of order and under suspension of the rules)

Ordered, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication which he may be pleased to make.

Comes from the Senate, read and passed with the following members appointed on its part:

Senators Farnsworth of Aroostook, Schnurle of Cumberland, and Bartlett of Oxford.

In the House read and passed in concurrence, with the following members appointed upon the part of the House:

Messrs. Friend of Skowhegan, Webber of Auburn, Rea of Lorange, Ward of Thorndike, Mason of Raymond, Eastman of Farmingdale and Hobbs of Hope.

Subsequently Mr. Friend for the committee reported that the committee had performed the duty assigned it and that the Governor announced that he would at once make such communication to this body as he desired to make.

Thereupon the committee was dis-

charged with the thanks of the House.

Communication from the Governor

State of Maine

Office of the Governor

Augusta, December 20, 1933.

To the President of the Senate and Speaker of the House:

I herewith transmit a list of the acts and resolves passed by the present Legislature at the Special session.

I have approved a total of 64 acts and 12 resolves.

Respectfully submitted,

LOUIS J. BRANN,
Governor.

Comes from the Senate, read and ordered placed on file.

In the House, read and placed on file in concurrence.

The SPEAKER: The Chair now takes pleasure in recognizing the gentleman from Hermon, Mr. Leathers, the oldest member of this Legislature. (Applause)

Mr. LEATHERS of Hermon: Mr. Speaker, I rise to say good bye, realizing that fate may decree that we all of us may never assemble together again on the floor of this Legislature of the State of Maine.

Now it is my honor and privilege, being the oldest member in this House in active service, to move you, Mr. Speaker that we adjourn without day. (Applause)

The SPEAKER: The gentleman from Hermon, Mr. Leathers, now moves, and the Speaker declares that this Special Session of the Eighty-Sixth Legislature adjourn without day.