

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, November 6, 1934

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, November 6, 1934.

This being the day designated in the proclamation of the Governor for the meeting of the Eighty-sixth Legislature in extra session, the members of the House of Representatives assembled in their hall at ten o'clock A. M. and were called to order by the Speaker.

Prayer was offered by the Rev. Dr. McWhorter of Augusta.

THE SPEAKER: This third special session of the Eighty-sixth Legislature is meeting in accordance with the Proclamation issued by His Excellency, the Governor, which Proclamation the Clerk will now read.

STATE OF MAINE

Proclamation by the Governor
SPECIAL LEGISLATIVE SESSION

WHEREAS, it appears advisable that the Legislature of this State should meet in Special Session for the following purpose:

To act upon legislation for the regulation and control of the manufacture, transportation and sale of intoxicating liquors in lieu of present prohibitory laws;

I, THEREFORE, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Tuesday, the sixth day of November, 1934, at ten o'clock A. M.

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine this twenty-ninth day of October, in the year of our Lord, one thousand nine hundred and thirty-four, and in the one hundred and fifty-ninth year of the Independence of the United States of America.

(Seal) LOUIS J. BRANN,
Governor.

By the Governor:
ROBINSON C. TOBEY,
Secretary of State.

A true copy:

Attest: ROBINSON C. TOBEY,
(Seal) Secretary of State.
Read and ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and thirty-seven members having answered to their

names, a quorum was declared to be present.

On motion of Mr. Wright of Bath, it was

ORDERED, That a committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that in obedience to his Proclamation, a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members:

Messrs. Wright of Bath, Fenlason of No. Anson, Fogg of Rockland, Wallingford of Auburn, Burgess of Rumford, Bushey of Waterville.

The committee subsequently reported that it had conveyed the message entrusted to it.

At this point a message was transmitted from the Senate, through its Secretary, informing the House that a quorum was present in the Senate Chamber, and that that body was ready for the consideration of such business as may come before it.

On motion of Mr. Webber of Auburn, it was

Ordered, that a message be conveyed to the Senate, informing that body that a quorum of the House of Representatives is present for the consideration of such business as may come before it.

Thereupon the Clerk of the House was directed to convey the above message to the Senate, and the Clerk subsequently reported that the duty with which he was charged had been performed.

Mr. Farris of Augusta presented the following order out of order and moved its passage:

Ordered, that Nathan C. Fuller of Augusta act as Page during the present Special Session in place of George B. Wood, Jr.

Mr. FARRIS: Mr. Speaker, I wish to say for the benefit of the members of the House that Mr. Wood is out of the State and that is the reason for the presentation of this order—simply to substitute for this Special Session.

The order received passage.

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

Ordered, the Senate concurring,

that the Secretary of State be directed to furnish wrappers and postage stamps to each member of the Senate and House to the value of \$2.50 for the purpose of distributing the various reports of the Departments of State, and other public documents, such as they may desire to mail to the citizens of the State.

The order received passage and was sent up for concurrence.

Mr. Duquette of Biddeford presented the following order, out of order, and moved its passage.

Whereas, the 86th legislature has served through two years of great stress and difficulty, and

Whereas, the welfare of the people of the state of Maine has been seriously threatened by the existing trying conditions, and

Whereas, these conditions have necessitated rapid changes in our statutory and constitutional laws, and

Whereas, this period of transition has constituted real emergencies, and

Whereas, it has devolved upon this legislature to meet these current economic problems, and

Whereas, the Governor of the State of Maine has been obliged from time to time to call upon us in order to solve the rapidly rising exigencies, and

Whereas, every member of the 86th legislature has willingly answered the call of their governor and have met courageously the situation presented to them, and

Whereas, this has made unusual demand upon our time and personal business being necessary for every member to be patient and devoted to the State of Maine, to spend practically all of the legislative term in Augusta, and

Whereas, our patience and patriotism has been sorely taxed by unwarranted criticism and abuses, and

Whereas, in spite of all, we are again ready and willing to devote our best efforts to answer the expressed wishes of the people of our State, and

Whereas, the mandate of the people demands the solution of the highly controversial problem of liquor control, and

Whereas, we are here to carry out that specific overwhelming and imperative command, and

Whereas, a matter of such vital importance should be carefully

weighed and studied in order to achieve a solution satisfactory to the greatest number of our citizenry, and

Whereas, it will undoubtedly necessitate our remaining in session for an indefinite period of time to attain a solution reasonably worthy of the approval of a majority of the people, and

Whereas, the element of time or financial consideration should not influence the legislature to shirk its responsibilities by enacting a liquor control measure unequal to the situation, and

Whereas, this momentous and far-reaching issue, when expressed into law should be a credit to the long and honorable traditions of our great commonwealth, and

Whereas, the calling of the legislature in so many extraordinary sessions has finally created a real emergency for the members of this history-making 86th legislature.

Whereas, the old adage "Charity Begins at Home" now should apply to the legislators.

Whereas, the passage of liquor control laws will be so pleasing to the people of Maine that they will regain confidence in the 86th legislature and will place upon this law-making body the public stamp of approval, and

Whereas, it has always been the policy of the State of Maine to remunerate its public officials adequately to insure diligent, faithful, conscientious service to the end that the interest of our state should be safeguarded at all times, and

Whereas, precedents have been shattered repeatedly during this legislative term, and we meet today to enact law which will create a revenue estimated at from one to two million dollars, now, therefore, be it

ORDERED. The Senate concurring, that the Treasurer of State be and hereby is directed to pay to each member of this legislature apart from his or her fixed compensation, the sum of \$3.00 per legislative day for expenses incurred by him or her in attendance upon this special session of the Legislature.

Mr. FARRIS of Augusta: Mr. Speaker, I do not believe that the members of this House or of the Senate came down here to Augusta to seek more compensation than is provided by law. We expect to be here but a short time and we want

to do our duty according to law and receive the compensation provided by law. I do not believe that any added compensation order should be passed by this House and sent to the Senate. Therefore, I move that the order be indefinitely postponed.

Mr. GOUDY of South Portland: Mr. Speaker and members of the House: I second the motion of my brother Farris on the additional ground that the passage of that order would be absolutely unconstitutional. We certainly have no right to raise in any way, shape or manner our own compensation—

At this point the Secretary of the Senate transmitted a message from that body proposing a Convention of both branches of the Legislature, to be held forthwith in the hall of the House, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and present such message as he may deem fit.

Mr. GOUDY resuming: Our forefathers in their wisdom saw fit to forestall and eliminate any such action as this, and I do not feel that by the farthest stretch of the imagination we have any right to pass any such order as that. I, for one, am perfectly content to come here and put in my time for whatever compensation is legally allowable. When I accepted the office as Representative I knew well what the compensation was, and I sincerely second the motion of the gentleman from Augusta, Mr. Farris.

Mr. DUQUETTE: Mr. Speaker, I move that the order be tabled and specially assigned for tomorrow morning.

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

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Farris, that the order be indefinitely postponed; and the Chair recognizes the gentleman from Biddeford, Mr. Duquette.

Mr. DUQUETTE: Mr. Speaker, we have heard these same arguments at the second special session of the Legislature which convened about a year ago.

The question of the constitutionality of the order has been raised. If you will read the Record of the Special Session to which I refer,

you will find that the Floor Leader of the House admits himself that such orders are constitutional. Personally, I do not care about the additional compensation, but we must realize some of our friends come from the northern part of Aroostook county. Also we have a member here who has come from Washington, D. C. at great expense to himself to attend this session. Therefore, I do not believe that the people of the State of Maine would blame us for taking what belongs to us. We come down here at the regular session at a salary of six hundred dollars, and do you realize that that only pays our living expenses here, and that also we have called here three times and every time it costs us money; so I believe it is only fair to the members here that they should have their expenses while attending this session. It might well be that two or three weeks may elapse in discussing this measure to control this great issue. Therefore, I hope that the motion of the gentleman from Augusta, Mr. Farris, will not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Farris, that the order be indefinitely postponed.

A viva voce vote being taken, the order was indefinitely postponed.

On motion by Mr. Jones of Winthrop, that the House concur with the request of the Senate for a Joint Convention to hear such message as His Excellency, the Governor, may wish to give to both branches of this Legislature, the Clerk was charged with the duty of conveying this message to the Senate, and the Clerk subsequently reported that the duty with which he was charged had been performed.

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

Ordered, the Senate concurring, that free telephone service during the present Special Session be provided for each member and officer of the House and Senate to the number of fifteen calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the House

and Senate be provided with a card, to be certified to by the Secretary of State or his deputy. The cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

The order received passage and was sent up for concurrence.

At this point the Senate came in and a joint convention was formed.

IN CONVENTION

The President of the Senate in the Chair.

On motion by Mr. Weeks of Somerset, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Louis J. Brann, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate: Senators Weeks of Somerset, Schnurle of Cumberland, and McLoon of Knox, and on the part of the House, Representatives Sargent of Brewer, Clarke of Cooper, Chase of Baring, Young of York, Williams of Dover-Foxcroft, Breen of Lewiston and O'Connor of Bangor.

Subsequently Senator Weeks, for the Committee, reported that the Committee had discharged the duty assigned to it, and that the Governor was pleased to say that he would attend forthwith.

The report was accepted.

Thereupon the Honorable Louis J. Brann, Governor, accompanied by the Executive Council entered the Hall amid applause, the audience rising, and the Governor addressed the Convention as follows:

To the Members of the 86th Legislature, in Special Session:

On the twenty-ninth day of October, 1934 a proclamation was issued to the members of the 86th Legislature to convene in special session.

"To act upon legislation for the regulation and control of the manufacture, transportation and sale of intoxicating liquors in lieu of present prohibitory laws."

Twice within a year the electorate of Maine have spoken

First, in voting to ratify the repeal of national prohibition and

Secondly, to repeal the State's constitutional prohibitory amendment.

In an effort to determine the sentiment of the Legislature and the people of Maine, public meetings were called in the three congressional districts.

The sentiment was substantially unanimous in favor of immediate action.

The vote favoring repeal was substantial and pronounced.

Statutes exist which are at variance with the recorded vote of the people.

This makes for disobedience and disregard of law.

It hinders enforcement.

The clear mandate of the people called for the immediate repeal of the prohibitory statutes of the State and the passage of legislation for the regulation and control of the manufacture, transportation and sale of intoxicating liquors.

If we fail to immediately act we shall be placing ourselves above the judgment of the people.

There must be intelligent regulation.

Conditions under which intoxicating liquor should be sold must be so carefully arrived at that the cause of real temperance will have been fully protected.

As a great tourist State, Maine must be as liberal as its neighboring States, at the same time safeguarding its established reputation for sane living.

I hope you will pardon me if I urge dispatch and courageous action.

In no other terms can this problem be solved.

The mandate for immediate action is clear

The people of Maine have spoken plainly on this subject.

In closing, I wish to extend the cordial greetings of the Executive and Council to the members of the Legislature. (Applause the audience rising.)

Thereupon the Governor and suite retired.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired, amid the applause of the House.

IN THE HOUSE

The Speaker in the Chair.

Papers from the Senate, out of order.

From the Senate:

ORDERED, The House concurring, that all bills introduced during the present session be limited to those pertaining to intoxicating liquors, that all such bills be in the office of the Secretary of the Senate or Clerk of the House not later than 5 P. M. Nov. 6, 1934.

That all such bills be referred to the joint standing committee on Temperance;

That hearings on all such bills be held in the House of Representatives on Thursday, Nov. 8, 1934, at 10 A. M., and that said committee report on all such bills not later than Friday, November 9, 1934, at 11 A. M.

Comes from the Senate read and passed.

In the House, the order received passage in concurrence.

From the Senate:

ORDERED, The House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1934 be printed and bound, one copy each for the members and officers of the Senate and House of Representatives and the remainder to be deposited in the State Library for exchange and library purposes, and be it further

ORDERED, That three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the document clerk.

Comes from the Senate read and passed.

In the House, the order received passage in concurrence.

The SPEAKER: We are now proceeding under our regular order of business.

Mr. Farris of Augusta, presented out of order, and under suspension of the rules, an act authorizing the manufacture and sale of intoxicating liquor.

The SPEAKER: The Chair understands that, in accordance with the order just passed, the gentleman from Augusta, Mr. Farris, moves that this bill be referred to the Joint Standing Committee on Temperance and that 500 copies be printed.

The motion prevailed, and the bill was sent to the Senate for concurrence.

Mr. Goudy of South Portland presented out of order, under suspension of the rules, an act regulating the advertising of liquors for sale.

The bill was referred to the Joint Committee on Temperance, 500 copies ordered printed, and was sent to the Senate for concurrence.

Mr. Lebel of Brunswick presented out of order, under suspension of the rules, bill an act to regulate the traffic in intoxicating liquor.

The bill was referred to the Joint Committee on Temperance, 500 copies ordered printed, and was sent to the Senate for concurrence.

The SPEAKER: Are there any further orders?

Mr. HUSSEY of Augusta: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. HUSSEY: Mr. Speaker, I wish to make known in a few words concerning a bill which I wish to present at this time.

The SPEAKER: The gentleman may proceed.

Mr. HUSSEY: Mr. Speaker and members of the House: After studying this bill for liquor control, it is a privilege for me to introduce it. It is not my bill in its entirety, it is not the Governor's bill, it is not the bill of any one member of the House or Senate. This bill has been drawn up by a group set up by the Governor which is a non-partisan group. This group has put in a lot of time, studying the conditions and the workings of other liquor control bills, not only in our neighboring states, but in the country as a whole. As you know, there are a number of bills to come before this Legislature and they all have good points. They are drawn up with a faithful judgment on the part of the maker that they are correct and the best bills which can be presented. These bills have all got to be given a fair and unprejudiced hearing on the part of both House and the Senate, and it is my hope that every member of the House and Senate will consider each and every one of the bills as they come before us for hearing. As I said before, this bill was not drawn up by myself and

it was not drawn up by any special person. It was drawn up by a group of non-legislators, people who have in the past had legislative experience, but who at the present time do not happen to hold office. I hope this bill will be given the time and study which it deserves. I thank you.

The SPEAKER: The gentleman from Augusta, Mr. Hussey, offers a bill which provides for the control and regulation of intoxicating liquor, and moves that it be referred to the Committee on Temperance, that 500 copies be printed, and that it be sent to the Senate for immediate concurrent action.

The motion prevailed, and the bill was so referred.

On motion by Mr. Ashby of Fort Fairfield,

The House recessed until five o'clock this afternoon.

Afternoon Session at 5 P. M.

The Speaker in the Chair.

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

The following bills were introduced out of order, under suspension of the rules and referred to the committee on Temperance:

H. P. No. 7: Bill an act to regu-

late the sale of intoxicating liquors. (Presented by Mr. Tupper of Calais).

1000 copies ordered printed.

H. P. No. 8: Bill an act to authorize and regulate the manufacture, transportation and sale of intoxicating liquor. (Presented by Mr. Goudy of South Portland by request).

1000 copies ordered printed.

H. P. No. 9: Bill an act relating to the regulation and control of the manufacture and sale of intoxicating beverages. (Presented by Mr. Breen of Lewiston).

1000 copies ordered printed.

Mr. Carleton of Portland presented the following order, out of order, under suspension of the rules and moved its passage:

ORDERED, That the Superintendent of Printing be hereby authorized to exchange the mimeograph equipment purchased pursuant to an order passed by the 85th Legislature for new equipment suitable for furnishing duplicate copies of such requirements of the Legislature as may be necessary from time to time, the cost of the same to be paid out of the contingent expenses of the Legislature.

The order received passage.

On motion by Mr. MacPherson of Easton,

Adjourned until ten o'clock tomorrow morning.