

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

Saturday, November 10, 1934.

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

Prayer by the Rev. Mr. Gesner of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Thompson.

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

The SPEAKER: The gentleman may state his point.

Mr. THOMPSON: I move that the House recess for thirty minutes. The minority party has a committee of three with which we would like to meet in conference, a committee from the majority party, to see if we cannot iron out our difficulties.

The SPEAKER: The Chair understands that the gentleman from Belfast, Mr. Thompson, moves that the House recess for thirty minutes for the purpose which he has stated.

Mr. TOMPKINS of Houlton: Mr. Speaker, I would like to say this: If the motion before the House prevails, I would like the Republican members to stay in the House for a caucus session, and I would also like the use of the hall of the House for that purpose.

The SPEAKER: The gentleman from Houlton, Mr. Tompkins, moves that if the motion of the gentleman from Belfast, Mr. Thompson, prevails, that the use of the hall of the House be granted for caucus purposes.

The motion prevailed.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the House be cleared and that the Pages guard the doors while we are in conference and that the press be excluded.

The SPEAKER: The Chair believes that that can be taken care of without a motion.

Thereupon the motion of the gentleman from Belfast, Mr. Thompson, prevailed that the House take a recess for thirty minutes.

Recess**After Recess**

The Speaker in the Chair.
On motion by Mr. Ashby of Fort Fairfield

The House recessed until 2 P. M.

Afternoon Session

(4.50 P. M.)

The Speaker in the Chair.

The SPEAKER: Proceeding in accordance with the House Calendar of today, we will now take up bills and resolves reported by the committee on Bills in the Third Reading on their passage to be engrossed.

Thereupon H. P. 11, L. D. 10, bill an act to provide for the control and regulation of intoxicating liquor had its third reading.

Mr. TUPPER of Calais: Mr. Speaker—

Miss LAUGHLIN of Portland: Do I understand that L. D. 10 as amended has an emergency on it? I understood that the bill substituted for No. 10 began after the enacting clause.

The SPEAKER: The Clerk was reading the original title of the bill which as a matter of fact has been amended out.

Miss LAUGHLIN: I am simply inquiring about No. 10.

The SPEAKER: The emergency clause was stricken out as in all the bills, after the enacting clause.

Miss LAUGHLIN: I was inquiring about No. 10 and the emergency clause, and I understood that it was not attached to it after the substitution.

The SPEAKER: We were simply proceeding in the routine way. As a matter of fact the emergency clause has been stricken out. The Clerk was reading from the original bill as is always done irrespective of amendment. The Chair recognizes the gentleman from Calais, Mr. Tupper.

Mr. TUPPER: Mr. Speaker, I offer an amendment simply changing the title of the bill and nothing else.

The SPEAKER: The Clerk will read the amendment.

House Amendment E to Legislative Document 10.

Amend Legislative Document No. 10 by striking out the title thereof and substituting in place thereof the following: "An act to provide for the issue of consumption licenses by the State Liquor Commission.

Amendment E was adopted and on further motion by the same gentleman, Legislative Document 10, as amended by House Amendments B, C and by House Amendment D as amended by House Amendment A to House Amendment D, and also by House Amendment E, was passed to be engrossed.

Passed to be Enacted

S. P. 2, L. D. 1: An act authorizing the licensing of distilleries, breweries and wineries.

(On motion by Mr. Goudy of South Portland, temporarily tabled, pending passage to be enacted.)

H. P. 4, L. D. 2: An act relating to advertising of liquors for sale.

(On motion of Mr. Goudy of South Portland, temporarily tabled, pending passage to be enacted)

Paper from the Senate, out of order and under suspension of the rules.

From the Senate: Bill an act to regulate the sale of intoxicating liquors, H. P. 7, L. D. 8, which was passed to be engrossed as amended by House Amendments A and B in the House on November 9.

Comes from the Senate passed to be engrossed as amended by House Amendments A and B, and Senate Amendment A in non-concurrence.

In the House, Senate Amendment A read.

Thereupon the House voted to reconsider its action of yesterday whereby this bill was passed to be engrossed and Senate Amendment A was adopted in concurrence. The House further voted that the bill as amended be passed to be engrossed in concurrence.

Miss LAUGHLIN of Portland: Mr. Speaker, I understand there are to be some further amendments presented in reference to that bill in regard to the Commission. Therefore, I move that the bill be tabled pending the submission of certain amendments.

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

Mr. TUPPER of Calais: Mr. Speaker, I offer House Amendment C to L. D. 8 and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment C to Legislative Document No. 8.

Amend Legislative Document No. 8 by striking out all of Section 1 and substituting in place thereof the following:

'Section 1. The State Licensing Board as created by Chapter 268 of the Public Laws of 1933 shall hereafter be known as the State Liquor Commission.'

Further amend said bill by striking out the first sentence of Section 5 and by inserting before the word "board" in the third line of said section the words "state licensing."

Further amend said bill by striking out the word "election" in lines one and two of Section 3, and substituting in place thereof the word "Appointment", and by adding to said section the following provision:

'Said Commission may employ, subject to the approval of the Governor and Council such clerical and other assistants, and make such expenditures, as may be necessary to carry into effect the purposes of this act, and subject to the same approval may fix the compensation of all such employees or assistants. All appointments of individuals as employees or agents of the Commission shall take effect only on confirmation by the Governor and Council.'

Further amend said bill by striking out Section 2 and substituting in place thereof the following:

'Section 2. The salary of the chairman of the Commission shall be Four Thousand Dollars (\$4000) per year, and the salary of each of the other members shall be Three Thousand Dollars (\$3000) per year, and in addition each member of the Commission shall be allowed his reasonable expenses incurred in the performance of his duties, provided, however, that such expenses shall not include travel between his place of residence and the commission office, or board and lodging in the city or town where such office is located.'

Further amend said bill by inserting before the numeral "3" in the first line of Section 6 the numeral "2" and a comma.

Miss LAUGHLIN of Portland: Mr. Speaker, may I ask for information: In substituting the Beer Commission for a Liquor Control Board what was the year of the session there? Was it 1923 or 1933? I ask this because the Revisor of Statutes has called my attention to it. He understood the Clerk to read 1923, and he tells me that the session was 1933. I think we should settle that at any rate.

The SPEAKER: The section amended is Section 1 and in read-

ing it, the Clerk read 1923 instead of 1933 as the amendment provides. That is the only error there was.

Thereupon, on motion by Mr. Tupper, by a viva voce vote House Amendment C to L. D. 8 was adopted.

Miss LAUGHLIN: Mr. Speaker, one more question. As we have adopted this House Amendment C with a salary for the Chairman of \$4,000 and for the others \$3,000, isn't it contrary to Senate Amendment A we have just concurred in, making the salaries \$4,000 each? And do I understand that it will be proper for me to make a motion that we reconsider our vote adopting Senate Amendment A in concurrence? If so, I make that motion.

Thereupon the House voted to reconsider its action taken a few moments ago whereby it adopted Senate Amendment A in concurrence.

On motion by Miss Laughlin, it was voted to indefinitely postpone Senate Amendment A in non-concurrence.

Thereupon L. D. 8 as amended by House Amendments A, B and C, was passed to be engrossed in non-concurrence.

Orders of the Day

The SPEAKER: The House is now proceeding under orders of the day, and there are three matters on the calendar tabled and unassigned that can be disposed of at this time.

On motion by the gentleman from Augusta, Mr. Farris, it was voted to take from the table the first matter tabled and unassigned, House report ought not to pass of the committee on temperance, on bill an act authorizing the manufacture and sale of intoxicating liquor, H. P. No. 3, L. D. No. 4, tabled by that gentleman November 9th, pending acceptance of the ought not to pass report of the Committee, and on further motion of the same gentleman the ought not to pass report of the committee was accepted.

Mr. FARRIS of Augusta: Mr. Speaker, in behalf of the gentleman from Augusta, Mr. Hussey, who had to leave town and left this matter with me, I will take from the table the third unassigned matter.

On motion by the gentleman from Augusta, Mr. Farris, it was voted to

take from the table the third matter tabled and unassigned, Senate Report, ought not to pass, Committee on Temperance on bill an act to promote temperance in the use of alcoholic beverages and to control, license and regulate the manufacture, purchase and sale of alcoholic beverages and alcohol within the State and providing for local option in cities and towns, S. P. No. 1, tabled Nov. 9th by the gentleman from Augusta, Mr. Hussey, pending acceptance, and on further motion by the gentleman from Augusta, Mr. Farris, the ought not to pass report of the committee was accepted in concurrence.

The SPEAKER: Are there any other matters to come before the House at this time under Orders of the Day?

On motion by Mr. Collins of Caribou, the House recessed until 5.30 P. M.

After Recess

5:50 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair believes that considerable progress has been made towards reaching an agreement of all parties interested during this last recess. Amendments to carry out the understanding are being drawn and should be ready to be acted on this evening at an early hour if there is no further difficulty. There seems to be nothing, apparently, at this time that we can do for the next hour and a half or two hours unless someone has some business that the Chair is not aware of.

Mr. THOMPSON of Belfast: May I ask, Mr. Speaker, if the bills are to be printed?

The SPEAKER: That, of course, is subject at any time to the vote of the House. There is nothing yet that would be worth printing because, as the Chair understands the situation, there will be substantial changes made in those now before this body.

Mr. THOMPSON: Mr. Speaker, before the final draft is passed to be enacted will there be a printed copy?

The SPEAKER: That will be entirely at the pleasure of the House. If the House wants to wait until they are printed, it can do so. The Chair will try to make arrangements with the Senate to

order printing over there so that we may have them back here when we return this evening. If there is no other business at this time, the Chair understands that the gentleman from Baring, Mr. Chase, moves that the House recess until eight o'clock this evening.

The motion prevailed.

After Recess

9.45 P. M.

The Speaker in the Chair.

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

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

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Passed to be Enacted

(Out of order and under suspension of the rules)

(Emergency Measure)

H. P. 7, L. D. 8: An act to regulate the sale of intoxicating liquors.

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.

Mr. HILL of South Portland: Mr. Speaker, I ask that when the vote is taken, it be by the yeas and nays.

The SPEAKER: A roll call requires the affirmative vote of one-fifth of the members present. All those in favor of the motion will rise and stand until counted and the monitors will make and return the count.

A sufficient number obviously having arisen, the roll call was ordered.

The SPEAKER: You are now about to vote, using the yeas and nays vote, on the question of the enactment on L. D. 8, an act to regulate the sale of intoxicating liquors. This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body.

Mr. SCATES of Westbrook: Mr. Speaker, I just want to make this statement. I will say that this bill is not entirely satisfactory to the minority members of the House, but, notwithstanding that, they are going to vote for the bill. (Applause)

Mr. LABEL of Brunswick: Mr. Speaker, I wish to go on record as believing this bill to be a very poor

piece of legislation. However, I will vote for it for the lack of a better bill.

The SPEAKER: Is the House ready for the question? Are there any other questions before the roll call is started. A vote yes is in favor of the final enactment of this bill. A vote no is opposed to its enactment. The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Bailey, Whitefield; Bailey, Woolwich; Bartlett, Bennett, Berry, Blanchard, Boyle, Breen, Bucknam, Burgess, Burns, Bushey, Bussey, Carleton, Carswell, Carter, Chase, Baring; Chase, Limington; Chase, Sebec; Clarke, Cobb, Collins, Cook, Crowell, Deering, Devereux, Dow, Livermore; Dow, Portland; Drisko, Dunn, Eastman, Eldridge, Farris, Fenlason, Fernald, Flanders, Fogg, Rockland; Forgue, Lewiston; Fowles, Friend, Gagnon, Gallagher, Goodwin, Goudy, Graves, Gray, Gross, Hagggett, Hall, Ham, Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hawkes, Hescocck, Hill, Hills, Hobbs, Holden, Jones, Knight, Labbee, Lancaster, Laughlin, Lebel, Lewis, Lindsey, Littlefield, Alfred; Littlefield, Bluehill; Lord, Luce, Mace, Mack, MacPherson, Martin, Mason, Mechanic Falls; Mason, Raymond; Mayers, McKinney, Michaud, Nevers, Norris, O'Connor, Oliver, Osgood, Peacock, Plouff, Plummer, Quine, Rand, Rea, Richardson, Rush, Russ, Sanborn, Baldwin; Sanborn, Weld; Sargent, Scates, Shaw, Smith, Marsardis; Smith, Vinalhaven; Soper, Sprague, Sterling, Stern, Stover, Thomas, Thompson, Thurston, Tillson, Tompkins, Houlton; Tupper, Viles, Walker, Rockland; Walker, Rockport; Ward, Harrison; Ward, Thorndike; Webber, Wentworth, White, Whitney, Whitten, Williams, Wright, Young.—131 Yeas.

NAY—Belanger, Morin.—2 No.

ABSENT—Carignan, Duquette, Hussey, Leathers, Newcomb, Rounds, Smith, Orono; Tompkins, Bridge-water; Wallingford.—9 Absent.

The SPEAKER: One hundred and thirty-one having voted in the affirmative, two in the negative, and nine absentees, 131 being more than two-thirds the membership of the House, the bill has been passed to be enacted.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Goudy.

On motion by Mr. Goudy it was

voted to take from the table an act authorizing the licensing of distilleries, breweries and wineries, S. P. 2, L. D. 1, tabled by that gentleman earlier in the day's session, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted.

On motion by Mr. Goudy of South Portland, it was voted to take from the table an act relating to the advertising of liquors for sale, H. P. 4, L. D. 2, tabled by that gentleman earlier in today's session, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted.

Mr. MACK of Veazie: Mr. Speaker, I am sorry that my sense of humor does not permit me to formulate an order to help out the fun of the House at this late hour, but I really want to be serious on a matter for a very brief period. I want to make this statement, that I think that it is only fitting that the minority members of this House be commended on the very fine spirit of cooperation and conciliation which they have just shown in the vote they have given on Legislative Document No. 8. (Applause)

The SPEAKER: There is one more bill, which is Legislative Document No. 10, which has been passed to be engrossed by both branches and is now in the hands of the Secretary of State for engrossing. It will be at least an hour before it is ready to vote upon.

On motion by Mr. Tillson of Belgrade, the House recessed until 11.15.

After Recess

The Speaker in the Chair.

On motion by Mr. Lebel of Brunswick, it was voted to take from the table the second unassigned matter, House report of the committee on Temperance, ought not to pass, on bill an act to regulate the sale of intoxicating liquor, L. D. 3; and on further motion by the same gentleman, the report of the committee was accepted.

Passed to be Enacted

(Out of order, under suspension of the rules)

H. P. 11, L. D. 10: An act to provide for the issue of consumption

licenses by the State Liquor Commission. (This bill formerly appeared under the title of an act to provide for the control and regulation of intoxicating liquor.)

Mr. THOMPSON of Belfast: Mr. Speaker, may I ask if we are going to have a printed copy of that bill to read?

The SPEAKER: So far as the Chair knows there has been no printing ordered on the bill.

Mr. THOMPSON: Although I hate to keep everybody waiting, may I ask if the Clerk will read the bill?

The SPEAKER: If there is no objection the Clerk will read the bill at the request of the gentleman from Belfast, Mr. Thompson. (Bill read by the Clerk)

From the Senate: Resolve on payroll of the Senate.

Resolve on the payroll of the House of Representatives.

Resolve in favor of clerks and stenographers of the several committees of the Eighty-Sixth Legislature for the November Special Session.

These three resolves come from the Senate received under suspension of the rules, read twice and passed to be engrossed without reference to a committee.

In the House, received out of order, under suspension of the rules, without reference to a committee, had their two several readings and were passed to be engrossed in concurrence.

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

On motion by Mr. Bennett of Presque Isle, 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. Bennett of Presque Isle to perform that duty, 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 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 upon 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 upon its part: Messrs. Weeks of Somerset, Story of Aroostook and Bartlett of Oxford.

In the House, this order was taken up, out of order, under suspension of the rules, read and passed in concurrence, and the Chair appointed the following members on the part of the House: Messrs. Tupper of Calais, Mack of Veazie, Bartlett of Eliot, Walker of Rockland, Russ of Woodstock, Belanger of Winslow, and Napoleon Hamel of Lewiston.

Subsequently, Mr. Tupper for the committee reported that the committee had discharged its duty but could not report to the Governor for the reason that he had gone. The Secretary of State received the message and replies for the Governor.

Thereupon the committee was discharged with the thanks of the House.

Communication from the Governor

STATE OF MAINE
Office of the Governor
Augusta, Maine,
November 10, 1934.

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 this Special Session.

I have approved a total of five acts and three resolves.

Respectfully submitted,

LOUIS J. BRANN,
Governor.

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

In the House, the message from the Governor was received, read and placed on file in concurrence.

The SPEAKER: If there is no further business to come before the House at this time, the Chair understands that the gentleman from Biddeford, Mr. Allison, now moves that this Special Session adjourn.

The motion prevailed and the House adjourned without day.