

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

SENATE

Friday, December 15, 1933.

Senate called to order by the President.

Prayer by the Rev. H. Mortimer Gesner, Jr., of Augusta.

The PRESIDENT: The Chair regrets to advise the Senate that our Secretary, Royden V. Brown, will be unable to continue for the balance of this session as he has gone to a hospital in Waterville. It has occurred to all of us that he has been laboring under great difficulties and it is only with a great deal of stamina that he has been able to go along as long as he has. We all hope, of course, the matter will not be serious. The Assistant Secretary and the Chair will do their best to get along without him. We will, however, have to ask the indulgence of the Senate on the question of speed, and perhaps in other ways.

Journal of yesterday read and approved.

From the House:

Report of the Committee on Appropriations and Financial Affairs on bill an act regulating interest charges on unpaid state taxes (H. P. 5, L. D. 20) reported the same in a new draft under the title of an act regulating interest charges on unpaid state and county taxes (H. P. 142) and that it ought to pass.

In the House the report read and accepted and under suspension of the rules the bill given its several readings and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence and under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

From the House:

Report of the Committee on Judiciary on bill an act relating to registration number plates (S. P. 14, L. D. 82) reported that the same ought not to pass.

In the House the bill and report committed to the Committee on Maine Publicity in non-concurrence.

In the Senate, on motion by Mr. Weeks of Somerset that body voted to adhere to its former action whereby the report of the commit-

tee "ought not to pass" was accepted.

From the House, the following order:

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, actual expenses incurred by him or her in attendance upon this special session of the Legislature, not to exceed, however, the sum of Three Dollars (\$3.00) per legislative day; and it is further

ORDERED, the Senate concurring, that each member of the Legislature before receiving the above money for expenses shall file with the Treasurer of State an itemized account of expenses covering the legislative days in question.

In the House, the report was read and passed.

In the Senate:

Mr. WEATHERBEE of Penobscot: Mr. President and members of the Senate, I am opposed to the passage of that order. It seems to me that it would be highly improper for the legislature of the State of Maine to ask that the State be required to pay us something for expenses, something that has never been done so far as I know by any preceding legislature. It would establish a very bad practice whether it be legal or not. If we were to pass such a bill as this, there is no reason, if it be legal, why some subsequent legislature might not point it out as a precedent and ask for three or four hundred dollars expenses on top of the \$600 they would get for the session. I feel that it would make us look cheap and small to the people at home. While others were taking their cut at the last session of the legislature we insisted upon our usual compensation. It would seem not that we can make our contribution by continuing our service at \$2.00 a day, the price which we knew was the established price for special sessions when we accepted our trust. Mr. President, I move the order be indefinitely postponed.

Mr. KITCHEN of Aroostook: Mr. President, I simply wish to subscribe to the remarks of the Senator from Penobscot, Senator Weatherbee, and furthermore to say that in my opinion, if I understand the wording of the order, I believe it

would be absolutely impossible for the members to comply with the order that they be requested to file an accurate account of their expenses. I do not believe there is a man here who could do it truthfully. I hope the order will not receive passage.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Weatherbee, that the order be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

Communications from the Supreme Judicial Court

Answers to Questions Propounded to the Justices of the Supreme Judicial Court by the Senate of Maine To the Honorable Senate of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the questions upon which their advisory opinions were requested by Senate Order of December 6, 1933, respectfully submit the following answers.

Question 1.

Does the bill now before the 86th Legislature, entitled "An Act to Incorporate the Town of Orono School District," H. P. 24, L. D. 39, constitute an infringement of the right to home rule for municipalities as is contemplated in Section 16 of Article IV of the Constitution contained in Article XXXI of the amendments thereof?

Question 2.

If said act constitutes such an infringement, has the Legislature the power and authority to pass such a bill under the emergency clause in the form of an enabling act to become effective only by vote of the people within such municipality?

Answer 1-2.

We are of the opinion that it is not within the scope of our duty to answer these questions, in view of the fact that the bill to which they refer, in its present form, could not accomplish its desired purpose, irrespective of the propositions involved in the interrogatories submitted. A careful analysis of its provisions forces the conclusion that its passage without amendment, whether the emergency clause was included or not, would result only in the en-

actment of a measure, the usefulness of which would be destroyed by its inherent legal defects and insufficiency.

Very respectfully,

(Signed)

WILLIAM R. PATTANGALL
CHARLES J. DUNN
GUY H. STURGIS
CHARLES P. BARNES
SIDNEY ST. F. THAXTER
JAMES H. HUDSON

Dated December 13th, 1933.

Which was read and placed on file.

On motion by Mr. Blaisdell of Hancock, five hundred copies ordered printed.

Answers to Questions Propounded to the Justices of the Supreme Judicial Court by the Senate of Maine To the Honorable Senate of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the questions upon which their advisory opinions were requested by Senate Order of December 7, 1933, respectfully submit the following answers.

Question 1.

Has the legislature the authority while the operation of a law enacted by it is suspended under the provisions of Article XXXI of the Constitution to amend or further amend the same?

Answer 1.

Article XXXI of the Constitution of Maine provides that

"Upon written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it

appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people"

By reference to the Public Laws of 1933, we find that the enactment referred to in the preamble to these questions appears therein as Chapter 226 and is entitled "An Act Relating to the Transportation of Intoxicating Liquor." The operation of this Act was suspended by petition in accordance with the provisions of Article XXXI of the Constitution and so proclaimed by the Governor of Maine, but no opportunity has yet been accorded to the electorate to approve or reject it. It has not, therefore, become effective nor has it been finally rendered invalid. The right of the voters to pass upon the act is absolute. It cannot be abridged by further action of the Legislature.

Question 2.

Will the act hereinbefore referred to, passed at the regular session of the Eighty-sixth Legislature and suspended through the operation of Article XXXI of the Constitution, have the effect on the date it becomes effective under said Article XXXI, if it is ratified by a majority of the electors, of superseding or amending any change in a section of the statutes affected by said act of superceding the action of the legislature at the present special session?

Answer 2.

Should this Legislature enact a law inconsistent with the provisions of Chapter 226, P. L. 1933, and the latter act should be subsequently accepted by popular vote, it would become effective notwithstanding any act passed by the Legislature in the meantime.

Question 3. Can the requirement of Article XXXI of the Constitution that an act passed by the legislature on which the referendum is invoked or submitted to the people for ratification be set aside by an act to be passed at this session repealing the law in question?

Answer 3. After the referendum has been invoked and until the voters have acted thereunder, the subject matter of the referred bill is withdrawn from further consid-

eration of the legislature. It can neither amend nor repeal the act during that period.

Question 4. Can the question required to be submitted to the people under the operation of said Article XXXI of the Constitution be modified by the legislature or by any official of the state so as to change the issue to be presented in accordance with legislative action subsequent to the passage of the original act and intervening before the date of its submission to the people?

Answer 4. We answer this question in the negative.

Question 5. Has the ratification of the Twenty-first Amendment to the Constitution of the United States operated automatically to repeal the legislation heretofore enacted by Congress passed to enforce the provisions of the Eighteenth Amendment to the Constitution?

Answer 5. The ratification of the Twenty-first Amendment to the Constitution of the United States repealed the Eighteenth Amendment thereof and automatically rendered inoperative such statutes or parts thereof as conflict with the Twenty-first Amendment or are unauthorized by its provisions.

Question 6. If the adoption of the Twenty-first Amendment to the Constitution of the United States has operated to automatically repeal the Volstead Act, has that repeal operated to make the provisions of section three of chapter one hundred thirty-seven of the revised statutes of the State of Maine absolute, or has said section been repealed or modified?

Answer 6. In view of our answer to question 3, we do not deem it necessary to answer this question.

Question 7. Has the legislature the power, in the absence of a provision in the Constitution of the United States depriving intoxicating liquor of its status as property, to pass a law which will make it a penal offense to own or to transport intoxicating liquor within the State regardless of the question as to whether or not the same is intended for unlawful sale?

Answer 7. We answer this question in the affirmative. The State has the right, not for the benefit of the individual, but for the best interest of society, to enact laws pro-

hibiting the manufacture, sale, transportation, or possession of intoxicating liquor within its borders, regardless of whether or not it is intended for unlawful sale. This right is inherent, having its basis in the police power, and a necessary attribute of government. It does not depend upon the authority either of the State or the Federal Constitution.

The Supreme Court of the United States said, "It must now be regarded as settled that, on account of their well-known noxious qualities and the extraordinary evils shown by experience commonly to be consequent upon their use, a State has power absolutely to prohibit manufacture, gift, purchase, sale, or transportation of intoxicating liquors within its borders without violating the guarantees of the Fourteenth Amendment. . . . We further think it clearly follows from our numerous decisions upholding prohibition legislation that the right to hold intoxicating liquors for personal use is not one of those fundamental privileges of a citizen of the United States which no State may abridge." *Crane v. Campbell*, 245 U. S. Rep. 304.

Very respectfully,

(Signed)

WILLIAM R. PATTANGALL
CHARLES J. DUNN
GUY H. STURGIS
CHARLES P. BARNES
SIDNEY St. F. THAXTER
JAMES H. HUDSON

Dated December 13, 1933.

Which was read and placed on file. On motion by Mr. Weeks of Somerset, five hundred copies ordered printed.

Answers to Questions Propounded to the Justices of the Supreme Judicial Court by the Senate of Maine

To the Honorable Senate of the State of Maine

The undersigned Justices of the Supreme Judicial Court, having considered the questions upon which their advisory opinions were requested by Senate Order of December 7, 1933, respectfully submit the following answers.

QUESTION 1

Is it within the power of the Legislature to pass an act authorizing the sale of beverages contrary to the express provision of the

Constitution as it now stands, to become effective on condition that a change in the Constitution proposed by the Legislature concurrently with the passage of such Act and submitted to the electors for adoption shall be so adopted?

ANSWER 1

Article XXVI of the Amendments to the Constitution of Maine embodies the existing policy of the State in regard to the manufacture and sale of intoxicating liquors, within its limits, the manufacture of intoxicating liquors (not including cider), and selling, or keeping such liquors for sale, are, in the words of the Article, "forever prohibited." Then follows, in brief, this exception: Intoxicating liquors may be sold, under such regulations as the Legislature may provide, "for medicinal and mechanical purposes and the arts." A provision with reference to selling cider is not of instant relevance. The Amendment makes it compulsory upon the Legislature to "enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors," with the aforesaid exception.

The Constitutional Amendment limits or restrains legislative power. In other words, the adoption of the Amendment took away powers, otherwise possessed by the Legislature, upon the subject of intoxicating liquors. Legislative power is measured by limitation, not by grant. Such power is absolute and all embracing except as expressly, or by necessary implication, restricted by the Constitution.

As respects authorizing the selling of intoxicating liquors, the Legislature can only make laws regulating the details of the purposes which the Amendment specifies; that is to say, "for medicinal and mechanical purposes and the arts." In other respects, there is, by necessary implication, absolute and complete inhibition on legislative action. The language is that of exclusion. Where, as here, the Legislature is subservient to a constitutional prohibition, there may not be the enactment of legislation, even conditionally.

The question, whether the present Legislature may authorize the sale of intoxicating liquors as beverages, when and after an amendment to the Constitution shall

make such sales permissible, is answered in the negative.

QUESTION 2

If such an enactment is not within the power of the Legislature, is it within the power of the Legislature to pass an enabling act submitting to the electors for their adoption or rejection, concurrently with their adoption or rejection, of a Constitutional Amendment which will eliminate the prohibition against such legislation, a similar act to be effective only in case both Act and Amendment are so adopted?

ANSWER 2

Unless and until changed by formal amendment, present provisions of the Constitution bind not only the Legislature but the people. This question is, therefore answered in the negative.

Very respectfully,

W. R. PATTANGALL
CHARLES J. DUNN
GUY H. STURGIS
CHARLES P. BARNES
SIDNEY ST. F. THAXTER
JAMES H. HUDSON.

Dated December 13th, 1933.

Which was read and placed on file.

On motion by Mr. Weeks of Somerset, five hundred copies ordered printed.

Bills in First Reading

An Act authorizing the State Highway Department to cooperate with the Federal Government. (S. P. 70, L. D. 176)

An Act to incorporate the Presque Isle Water District. (S. P. 33, L. D. 177)

Which bills were read once and under suspension of the rules were read a second time and passed to be engrossed.

Sent down for concurrence.

Reports of Committees

Mr. Cooper for the Committee on Appropriations and Financial Affairs on Resolve in favor of the City of Old Town (S. P. 44) reported that the same ought to pass.

Which report was read and accepted and the bill laid on the table for printing under the joint rules.

The PRESIDENT: The Chair will advise the Senate that there are on the table in the Senate two mat-

ters which have been assigned for the end of the calendar this morning. One is a final report and the other is awaiting report of action from the House. The Chair assumes that it will be satisfactory to the Senate for the calendar not to be taken up until the close of this morning's session.

Reports of Committees (Out of Order)

The Majority of the Committee on Inland Fisheries and Game on Bill an act relative to fishing in the inland water (S. P. 6, L. D. 11) reported the same in a new draft (S. P. 73) under the same title and that it ought to pass.

(Signed) Angell of York
Harmon of Hancock
Schnurle of Cumberland
Bussey of Newport
Fogg of Rockland
Smith of Masardis
Burgess of Rumford
Hescock of Monson

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Crowell of Weston
Sterling of Caratunk

On motion by Mr. Schnurle of Cumberland, the majority report "ought to pass" was accepted and the bill in new draft was laid on the table for printing, under the joint rules.

Mr. Page for the Committee on Legal Affairs on Bill an act to incorporate the Sullivan Water District (S. P. 59) reported that the same ought to pass.

Which report was read and accepted and the bill laid on the table for printing under the joint rules.

Mr. Towle for the Committee on Salaries and Fees on Bill an act relating to legislative salaries (S. P. 53, L. D. 122) reported that the same ought not to pass.

Mr. Holman for the Committee on Judiciary on Bill an act to correct technical errors in various laws (S. P. 58, L. D. 125) reported that the same be referred to the next Legislature.

Which reports were read and accepted.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Kitchen of Aroostook the Senate voted to re-

consider its action taken earlier in today's session whereby joint order relative to the compensation of the members of the Legislature was indefinitely postponed; and on further motion by the same Senator the order was laid upon the table pending consideration and tomorrow morning assigned.

The **PRESIDENT**: Is there anything further to come before the Senate before a short recess is taken?

On motion by Mr. Viles of Kennebec,

Recessed, until 11.30 o'clock this morning.

After Recess

The Senate was called to order by the President.

Papers from the House, out of order, disposed of in concurrence.

From the House, out of order,
Report of the Committee on Legal Affairs on Bill "An Act to amend the Charter of Bridgton Center Village Corporation" (H. P. 26, L. D. 41) reported the same ought to pass.

In the House, the report was read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,
Report of the Committee on Legal Affairs on Bill "An Act to enlarge the powers of the Trustees of Gould Academy, a corporation chartered by the State, to hold property" (H. P. 78, L. D. 88) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,
Report of the Committee on Mer-

cantile Affairs and Insurance on Bill "An Act to enable domestic mutual fire insurance companies to obtain aid from the federal intermediate credit bank" (H. P. 84, L. D. 110) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on State Lands and Forest Preservation on Bill "An Act creating the Baxter State Park Commission and defining its powers and duties" (H. P. 72, L. D. 78) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Legal Affairs on Bill "An Act to incorporate the Town of Fort Fairfield School District" (H. P. 105, L. D. 154) reported that the same ought to pass.

In the House, the report read and accepted and under suspension of the rules given its several readings; House Amendment "A" was read and adopted and the bill as so amended was passed to be engrossed.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence, the rules were suspended and the bill was given its second reading and passed to be engrossed as so amended in concurrence.

From the House, out of order.

Bill, "An Act relating to the practice of hairdressing and beauty culture" (S. P. 68, L. D. 171)

In the Senate on December 14th read twice and passed to be engrossed.

In the House, read three times, House Amendment "A" adopted and passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, that body voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Pensions on

"Resolve granting a state pension to Gertrude C. Coffin of Lisbon" (S. P. 28)

"Resolve providing for a state pension for Charles E. Walsh of Waldoboro" (S. P. 34)

"Resolve providing for a state pension for Emma Carey Bean of Topsfield" (S. P. 35)

"Resolve providing for a state pension for Rose M. Charlesworth of Portland" (S. P. 46)

"Resolve in favor of state pension for Lucy Cuddy of Augusta" (S. P. 57)

"Resolve providing for a state pension for Frances Hustus of Freedom" (S. P. 61)

"Resolve providing for a state pension for Henry King of Gardiner" (H. P. 68)

"Resolve providing for a state pension for Lydia J. Williams of Gardiner" (H. P. 69)

"Resolve providing for a state pension for Mary Frances Savage of Gardiner" (H. P. 70)

"Resolve providing for a state pension for Will Howard of Union" (H. P. 71)

"Resolve providing for an increase in state pension for William H. Clark of Levant" (H. P. 79)

"Resolve providing for a state pension for Artell A. Spear of Richmond" (H. P. 85)

"Resolve in favor of Pension to Emma S. Anderson of Augusta" (H. P. 112)

"Resolve in favor of pension to Robert E. Taylor of Augusta" (H. P. 113)

"Resolve providing a state pension for Edwin McGray of East Corinth" (H. P. 114)

"Resolve for state pension in favor of Vinnie M. Poland of Gardiner" (H. P. 115)

"Resolve providing for a state pension for Benjamin F. Howatt of Green" (H. P. 116)

"Resolve providing for a state pension for Katherine Closson of Searsport" (H. P. 117) reported that the same be referred to the 87th Legislature.

In the House recommitted to the Committee on Pensions.

In the Senate, on motion by Mr. Harmon of Hancock, the report of the committee was accepted in non-concurrence.

Sent down for concurrence.

From the House, out of order,

Report of the Committee on Legal Affairs on Bill "An Act to incorporate the Atlantic Seaboard Association" (S. P. 9, L. D. 14) reported that the same be referred to the next Legislature.

In the Senate the report read and accepted.

In the House recommitted to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Blaisdell of Hancock, tabled, pending consideration, for five minutes.

From the House, out of order.

Report of the Committee on Legal Affairs on Resolve in favor of the establishment of a ferry between Islesboro and Northport" (S. P. 15, L. D. 52) reported the same ought not to pass.

In the Senate the report read and accepted.

In the House, recommitted to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Blaisdell of Hancock, that body voted to adhere.

Sent down for concurrence.

From the House, out of order

Report of the Committee on Legal Affairs on Bill "An Act to incorporate the Islesboro Transportation Company" (S. P. 16, L. D. 51) reported that the same ought not to pass.

In the Senate the report read and accepted.

In the House recommitted to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Blaisdell of Hancock, that body voted to adhere.

Sent down for concurrence.

(At this point Mr. Weatherbee of Penobscot assumed the Chair, the President retiring.)

The majority of the Committee on Temperance on "Resolve proposing the repeal of the 26th amendment to the Constitution, relating to the manufacture and sale of intoxicating liquors" (H. P. 137, L. D. 138) reported that the same ought to pass.

(Signed)

Messrs. Farnsworth of Aroostook
McDonald of Washington
Bissett of Cumberland

—of the Senate

Messrs. Hobbs of Hope
Bucknam of Portland
Leathers of Herman

Mrs. Carter of Fairfield

—of the House

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed)

Messrs. Tompkins of Bridgewater
Stover of Pownal
Littlefield of Alfred

—of the House

In the House the Majority Report accepted, under suspension of rules the bill given its several readings and passed to be engrossed.

In the Senate; on motion by Mr. Bissett of Cumberland the majority report "ought to pass" was accepted and under suspension of the rules the bill was given its two several readings.

Thereupon, Mr. Murchie of Washington offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Legislative Document 138, Resolve proposing the repeal of the 26th Amendment to the Constitution, relating to the manufacture and sale of intoxicating liquors. Amend Legislative Document 138 by striking out the title and substituting in place thereof the following: 'Resolve proposing the amendment of the 26th amend-

ment to the Constitution relating to the manufacture and sale of intoxicating liquors by vesting full control in the electors.'

'Sec. 2. Amend Legislative Document 138 by striking out the word 'repeal' at the end of the second line and substituting in place thereof the following words: 'amended by striking out all of said section and inserting in place thereof the following: 'The Legislature shall pass no Act regulating or permitting the manufacture or sale of beverages containing more than four per cent. of alcohol by volume, as an emergency measure within the meaning of Article XXXI of the amendments to the Constitution, unless such act itself contains a provision for its submission to the vote of the electors.'

'Sec. 3. Amend Legislative Document 138 by striking out the question is the twelfth and thirteenth line of said document and substituting in place thereof the following: 'Shall the Constitution be amended by eliminating the present absolute prohibition against the manufacture and sale of intoxicating liquors and vesting the control of legislation dealing with the subject of intoxicating liquors in the electors?'

Mr. MURCHIE of Washington: Mr. President, I arise with a good deal of reluctance for two reasons. First, because I have urged more insistently than any other member of the legislature, so far as I am aware, that the legislature speed its progress and reach adjournment this week. Second, because I realize only too well that with a united Democracy and an organization in the Republican party working in close harmony and union, there is very little likelihood that this Senate will listen to any suggestion for a change in the planned program, regardless of its merits.

We have heard throughout the length and breadth of this land for a matter of years, and throughout the length and breadth of this state for a matter of decades, that the people should be given an opportunity to rule on the question of intoxicating liquor.

Until an amendment suggesting a modification of the Constitution was presented for consideration, it was the theory of those favoring a change that no alternative could

be suggested which would at one and the same time vest the right of control in the people, and yet furnish an opportunity for the liberalization of the liquor laws.

I think the members of this Senate are fully aware that there is no member of this Senate or of this legislature, and so far as I know, no citizen in the State of Maine who is more fully aware of the fact and more willing to grant the wish that the people of the State of Maine desire an opportunity to liberalize their liquor laws. During the winter when the question of Federal repeal was uppermost in our minds, while those whom I style the "extremists" sought to place upon my course the interpretation that I was seeking to defeat repeal, I was endeavoring as strongly as were they to see to it that the State of Maine should join in federal repeal, and I expressed before the legislative committee at its hearing, the belief that the State of Maine, by any proper yard stick, would so join the course of repeal. Events, I think, justified that prediction. And lest there be some doubt as to my own position, let me say that in the County of Washington I was the chairman of the organization for repeal.

I think it is an undoubted fact that, Federal prohibition having gone into the discard, the laws of the State of Maine should be put in line with the new nation-wide policy, and I have introduced a bill for that purpose. I think it is also a fact that the people of the State of Maine should be given an opportunity to vote to liberalize their liquor laws and I introduced an amendment for that purpose.

I do not believe, however, that there is any necessity for this legislature to vest in the legislature of the State of Maine,—not in the people, but in the legislature of the State of Maine—the right to set up a saloon within the borders of the State of Maine or the right to use rum in the State of Maine as a medium for securing major revenue into the state treasury.

I hear it argued around the corridors and it will probably be argued in this Senate that the people of the State of Maine want an opportunity to vote "Yes" or "No" on the question of the repeal of the Twenty-sixth Amendment, and I say

to you that nobody has appeared in these legislative halls at hearings or on the stump to say it is a fact except the hotel interests of the State of Maine who want to convert their hotels into saloons. The people of the State of Maine want to vote to liberalize, but if you gentlemen and our lady member have ever taken the trouble to inquire of any of your constituents whether they insist on outright repeal or are seeking to merely test the sentiment of liberalization, I have no doubt you will have found it as I have found it, that all they want is an opportunity to vote to approve or disapprove constitutional absolute prohibition of sale.

I have heard the statement made that the resolve which I introduced would not permit the sale of the heavier intoxicants, and I know that no member of this Senate can possibly make that statement. Those who are interested in blinding the legislature to the actual question make it freely, and they exist in substantial numbers. I have introduced this amendment to "smoke out" those gentlemen who are talking, not about saloons but about the sacred, sovereign right of the people to rule, and this amendment vests the authority over liquor legislation in the sovereign people of the State of Maine. It will serve no other purpose than to make it impossible for the legislature of Maine, under the pretext that an emergency exists, to pass an act which will legalize the saloon or which will put Maine on a rum selling revenue basis.

I may clear the atmosphere a little by saying this, that in this legislature if those obstructionists who form the extreme "drys" were able to muster enough strength without my vote to block the people of the State of Maine from securing an opportunity to vote for liberalization, I would join wholeheartedly with those who advocate the "wet" cause, if I may so designate it, in casting my vote for that right. The situation in this legislature is not that it is being blocked by the "drys" but that it is being blocked by the "wets", under the guise spread throughout the legislature among the Republican members that the Party welfare requires the people be given an opportunity to vote and the Democracy will block any vote except absolute repeal. And

the Lewiston Journal last evening shows the foundation for that fable where Mr. Staples says, "The Governor says that he will sign no Constitutional amendment referendum liquor bill that does not seek straight-out resubmission. In other words, the Governor wants the matter referred to the people in plain and simple language."

What I desire to know, Mr. President and Members of this Senate, is whether the Governor desires it in the interests of saloons, in the interest of hotels, or in the interests of securing for the people their sovereign right.

The Governor, in his message to this special session, departing from the language of the two national committees at the time of their adoption of their several platforms, that the saloon must not be established in the State of Maine in contradistinction to the plain forthright declaration of President Roosevelt in making his proclamation of the end of federal prohibition, that the saloon in any form should never be permitted to return anywhere in this country, made this statement, "The old fashioned saloon must not come back." And if there is any declaration from the chief executive of this state or any state that the saloon in some new guise or form is to be returned, it is contained in that simple statement; "the old fashioned saloon must not come back."

Members of the Senate, you are voting today not on the question as to whether the people shall have the right to rule, although you can convert it into that question by the adoption of this amendment, but you are voting on the question as to whether you are going to furnish the opportunity for the Democracy, if it can prevail in 1934, to place Maine on a rum selling revenue basis and bring back the saloon with all its evils.

One more thought and I have finished. Some men with facile minds, if that is the way it can be expressed, will tell you their only objection, the sole objection they have to some change from outright repeal, is their sacred regard for the Constitution, that no sumptuary legislation should be included within the Constitution. But I do not know why we should quibble on the distinction between sumptuary leg-

islation and some other legislation. Constitutional law is fundamental law created for the purpose of protecting minorities.

The same gentlemen who think the Legislature should have absolute right to pass on the question of intoxicating liquor recognize full well that the Legislature must not have full right to pass on the question of income taxes or state debt, or any one of I do not know how many proposals banned from legislative action by Constitutional decree, no one of which could possibly justify such language as has been formally written into the record of the United States of America. And I quote you members of the Senate the language of our Supreme Judicial Court quoting the language of the Supreme Judicial Court of the United States of America. "It must now be regarded as settled that, on account of their well-known noxious qualities and the extraordinary evils shown by experience commonly to be consequent upon their use, a State has power absolutely to prohibit manufacture, gift, purchase, sale, or transportation of intoxicating liquors within its borders without violating the guarantees of the fourteenth Amendment."

There is no evil in this United States of America, there is no evil yet known to this civilization equal to the evil of the abuse of intoxicating liquors which brought this country to the adoption of the Eighteenth Amendment. The Eighteenth Amendment was an abominable failure. It has been properly repealed, but I submit to you that there is no justification for the State of Maine, and particularly for the Republican Party in the State of Maine, which for 75 years has closed the door to liquor commercialization within our borders, to submit to the people of the State of Maine a proposition which will permit commercialization by the legislature, when by the enactment of this simple amendment, the greater evil, the right of the legislature to impose upon our unwilling people, if they are unwilling, an enactment under the emergency clause, will be barred, and yet full, absolute control will be in the hands of the sovereign people of the State of Maine; and without any Constitutional change or delay they may from time to time

adopt such liquor legislation as they see fit.

I move, Mr. President, if I have not already, the adoption of Senate Amendment "A".

The PRESIDENT pro tem: Is there any member who desires to address himself to Senate Amendment "A"?

Mr. McDONALD of Washington: Mr. President, may the matter lie upon the table until later in the day?

Mr. VILES of Kennebec: Will the Senator from Washington, (Mr. McDonald), assign some definite time?

Mr. McDONALD: I will assign it for four o'clock this afternoon, Mr. President.

Thereupon, the bill and the amendment were laid upon the table pending the motion to adopt Senate Amendment "A", and especially assigned for four o'clock this afternoon.

(At this point the President assumed the Chair, Mr. Weatherbee of Penobscot retiring amidst the applause of the Senate.)

From the House, out of order,

Report of the Committee on Claims on "Resolve in favor of Charles Springer of Hartland" (H. P. 76) reported the same in a new draft (H. P. 144) under the same title and that it ought to pass.

In the House, the report was read and accepted and the resolve given its several readings under suspension of the rules and passed to be engrossed.

In the Senate:

Mr. KITCHEN of Aroostook: Mr. President, as a member of the Claims Committee, I feel perhaps I am in rather an unusual position at this time in opposing the passage of this claim. I want to frankly say that I was not present at the hearing because of the fact that I could not be in two places at one time. On that account I suppose and presume under ordinary conditions I should accept the report of the committee in their recommendation that this bill should pass in a new draft, but since then there has come to me information in regard to this claimant which leads me to believe that the committee must have been misinformed as to the merits of this claim. Now, I do

not wish to be unfair in this matter. My personal inclinations are that this claim should not pass but in order to arrive at the true facts of the case, and without delaying the bill to any great extent, I am wondering if the Chairman of the Committee on Claims, the Senator from Penobscot, Senator Weatherbee would state to the Senate just what the facts are as he found them in connection with the bill.

Mr. WEATHERBEE of Penobscot: Mr. President and Members of the Senate, the claimant was an employee of the Highway Department of the State of Maine, and was in charge of the operation of a power shovel in the construction of a state highway. The evidence disclosed that the State had made arrangements for the transportation to and from work of all unskilled laborers in state trucks, and that such laborers were covered by compensation insurance.

The claimant, in his operation of the power shovel, found it necessary to be upon the job half an hour before the other employees arrived and to remain at his work, cleaning the shovel, one hour after the departure of the state trucks with the other employees, and for his convenience he afforded his own transportation by motorcycle and took his helper with him. One afternoon after a very heavy shower rendering the roads in a very slippery condition, he started home upon his motorcycle. He was familiar with the roads. He knew that ahead of him was a very sharp turn in the highway and at that point while driving his motorcycle, the motorcycle tipped over and broke this claimant's leg.

This happened sometime either the 15th or 20th day of September and he is still laid up and his leg is in a cast. But it seems to me, that knowing the dangerous condition of the road and the very sharp turn, the duty was upon him to approach that curve with all due caution and care, and that had he done so, there would have been no accident whatever; that the accident was solely the result of his own carelessness, and for that reason I can see no reasonable basis for a claim against the State of Maine.

Should you pass the resolve, and the amount of it, \$250.00 is reasonable in this case with expenses of

about \$106.00 for doctors' bills and more to come, you do it because it is a mere act of charity and not because it is a valid claim against the State of Maine.

I would move, Mr. President, the acceptance of the report and then move the indefinite postponement of the bill.

The **PRESIDENT**: The Senator from Penobscot, Senator Weatherbee, moves that the report of the committee "ought to pass in new draft" be accepted in concurrence. Is this the pleasure of the Senate? The motion to accept the report prevailed; and on further motion by the same Senator the resolve was indefinitely postponed in non-concurrence.

Passed to be Enacted

(Out of Order)

An Act relating to admittance of patients to state sanatoriums (S. P. 60)

Finally Passed

(Out of Order)

Resolve in favor of Charles W. Brown of Abbot (S. P. 8)

Passed to Be Enacted

(Out of Order)

An Act authorizing and empowering the Register of Deeds for the County of Knox to make a true copy of contents of Volume 24 and of Volume 30 of the Knox County records of Deeds and to certify that the same are true copies of said records. (H. P. 13, L. D. 23)

An Act relating to chauffeurs' badges. (H. P. 17, L. D. 32)

An Act to ratify and confirm the reduction of the capital of Libby, McNeill & Libby. (H. P. 21, L. D. 36)

An Act permitting the building of a bridge between Southport and Capitol Island. (H. P. 22, L. D. 37)

An Act to provide a town council and manager form of government for the town of Baileyville, in the County of Washington. (H. P. 25, L. D. 40)

An Act relating to the term of office of members of the Police Department of the City of Bangor. (H. P. 27, L. D. 42)

An Act for the regulation of cosmetics. (H. P. 30, L. D. 45)

An Act relating to power service in Lubec, Trescott and Whiting Village (H. P. 32, L. D. 47)

An Act relating to a retirement pension for Howard Wood of Patten (H. P. 88, L. D. 167)

An Act relating to kindling of fires by non-residents (H. P. 91, L. D. 114)

An Act relating to notice on defaulting trustees (H. P. 111, L. D. 143)

(Emergency Measure)

(Out of Order)

"An Act to provide for the authority of a receiver in possession" (S. P. 23, L. D. 95)

Which act being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

(Emergency Measure)

(Out of Order)

An Act regulating pledge of assets by trust companies (H. P. 55, L. D. 67)

Which act being an emergency measure and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

(Emergency Measure)

(Out of Order)

An Act to provide for issuing capital notes and debentures by mutual savings banks and institutions for savings (S. P. 25, L. D. 93)

Which act being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

(Emergency Measure)

(Out of Order)

"An Act to amend the law relating to acquiring of stocks, bonds and other securities by mutual savings banks, institutions for savings, trust companies and loan and building associations" (S. P. 3, L. D. 9)

Which act being an emergency measure and having received the affirmative vote of 29 members of the Senate was passed to be enacted.

(Emergency Measure)

(Out of Order)

"An Act authorizing loan and building associations to assign or exchange home mortgages for bonds issued by Home Owners' Loan Corporation" (S. P. 1, L. D. 7)

Which act being an emergency measure and having received the affirmative vote of 29 members of the Senate was passed to be enacted.

Reports of Committees

(Out of Order)

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act relating to measurement of lobsters" (S. P. 12, L. D. 17) reported the same in a new draft (S. P. 74) under the same title and that it ought to pass.

(Signed)

Senators:

Littlefield of York
McLoon of Knox

Representatives:

Peacock of Lubec
Richardson of So. Portland
Newcomb of Scarborough
Wentworth of Kennebunk

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed)

Senator:

Blaisdell of Hancock

Representatives:

Shaw of Milbridge
Lewis of Boothbay
Smith of Vinalhaven

Mr. McLOON of Knox: Mr. President, I move the acceptance of the majority report "ought to pass in new draft" and at this time I would like to announce that our whole committee have asked the Governor to immediately appoint the commission which was authorized by this Legislature last spring and he has consented. This committee will report its findings to the next Legislature and in the meantime have the opportunity of observing the working of this law which we are asking for as an immediate relief to the fishermen and the industry.

Mr. BLAISDELL of Hancock: Mr. President, owing to the fact that there is to be appointed or has already been appointed a commission for the purpose of studying the lobster industry and making researches therein, I want at this time to oppose the adoption of the majority report.

The PRESIDENT: The Senator from Knox, Senator McLoon, moves the acceptance of the majority re-

port. Is it the pleasure of the Senate that the majority report be accepted?

Thereupon, the majority report "ought to pass in new draft" was accepted and the bill was laid upon the table for printing under the joint rules.

The Committee on Inland Fisheries and Game submitted its final report.

The Committee on Public Health submitted its final report.

The Committee on Salaries and Fees submitted its final report.

The Committee on Sea and Shore Fisheries submitted its final report.

Which reports were read and accepted.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act relating to the Atlantic Seaboard Corporation (L. D. 14), tabled by that Senator earlier in today's session pending consideration and assigned for later in today's session.

Mr. BLAISDELL of Hancock: Mr. President, I move the substitution of the bill for the report.

The PRESIDENT: The Senator from Hancock, Senator Blaisdell, moves the substitution of the bill for the report in non-concurrence with the action of the Senate in recommitting it to the committee. The Chair will state that the previous action of the Senate was taken yesterday wherein the report of the committee was that the matter be referred to the next Legislature, which report was accepted. As the preliminary motion the Senator from Hancock, Senator Blaisdell, now moves that the Senate reconsider its vote of yesterday whereby the report of the committee was accepted.

The motion to reconsider prevailed.

Thereupon, on motion by the same Senator the bill was substituted for the report and given its first reading; and on further motion by the same Senator the bill was laid upon the table and especially assigned for consideration later this afternoon.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, Report of the Committee on Inland Fisheries and

Game "ought not to pass" on bill An Act relating to closed season in the several waters of the State (S. P. 56, L. D. 124), tabled by that Senator yesterday pending acceptance of the report and today assigned.

Mr. VILES of Kennebec: Mr. President, I now move the substitution of the bill for the report and will say that this is done with the approval of the Committee on Inland Fisheries and Game in order to expedite legislation. If legislation now pending fails of passage we will need this to carry through to completion the fishing laws with which we have all had so much trouble.

Thereupon, the bill was substituted for the report and given its first reading.

Mr. Viles of Kennebec then offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Senate Paper 56, Legislative Document 124, entitled 'An Act relating to closed season in the several waters of the State.' Amend said bill by adding after the word 'repeal' in the second line thereof, the following: 'the following enacted in place thereof. All pools connected with the State fish hatcheries and feeding stations shall be closed to all fishing at all times. There shall be a closed season on all fish of every kind in all the waters of the State from the time said waters are closed to fishing for game fish in the fall until the time said waters are opened for fishing for game fish in the spring except as provided by state law or rules and regulations of the Commissioner of Inland Fisheries and Game, and except that there shall be an open season on all kinds of fish in the lakes and ponds in the counties of Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset and Washington from December 1st to March 15th, both days inclusive; and from December 1st to the last day in February, both days inclusive, in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Waldo and York and in the rivers as follows: the Androscoggin River below the New Hampshire line, in the Penobscot River up to Millinocket, in the Kennebec River up to Madison and in all of the Sebasticook, St. Croix and Presumpscot Rivers."

Senate Amendment "A" was adopted; and on further motion by the same Senator the rules were suspended and the bill was given its second reading.

Mr. HARMON of Hancock: Mr. President, I move that this bill as amended lie upon the table until later in today's session.

A viva voce vote being doubted

A division of the Senate was had. Sixteen having voted in the affirmative and eight opposed, the motion to table prevailed.

Mr. ANGELL of York: Mr. President, I would like to ask if that bill would be printed?

The PRESIDENT: So far as the Chair understands, it cannot be printed under that action except by special order. The Chair will state that the tabling of matters at this time to prevent their printing may well hold us in session an extra day.

Mr. ANGELL: I might state, Mr. President, that it was understood that that bill was to be tabled pending the printing of the bill. That was the understanding of the committee and those interested; and after it was printed it was to be tabled pending the action on another bill which is now before the House. That was the situation and the agreement.

The PRESIDENT: Is it satisfactory to the Senator from York, Senator Angell, that the bill lay upon the table and assigned for consideration later today?

Mr. ANGELL: Yes, Mr. President.

The PRESIDENT: That is the standing of the matter on the record at the present time, pending passage to be engrossed as amended by Senate Amendment "A".

Is there any further business to come before the Senate before recess.

On motion by Mr. Weeks of Somerset,

Recessed, until two o'clock this afternoon.

AFTER RECESS

The Senate was called to order by the President.

Reports of Committees

(Out of Order)

Mr. Weeks of the Committee on Judiciary on Bill "An Act creating

a Board of Emergency Municipal Finance" (S. P. 32, L. D. 89) reported that the same ought to pass.

Which report was read and accepted, the bill given its two several readings under suspension of the rules and passed to be engrossed.

Sent down for concurrence.

Mr. Page for the Committee on Legal Affairs on bill "An Act to incorporate the town of Brunswick School District" (S. P. 49, L. D. 120) reported that the same ought to pass.

Which report was read and accepted and the bill was given its first reading.

Thereupon, Mr. Page of Somerset, offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Senate Paper 49, Legislative Document 120, An Act to incorporate the town of Brunswick School District. Amend said bill by inserting after the words 'Section 7 hereof in Section 1 of said bill,' the words 'the inhabitants of'."

Senate Amendment "A" was adopted; and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

The Committee on Interior Waters submitted its final report.

The Committee on Pensions submitted its final report.

The Committee on Public Utilities submitted its final report.

Which reports were read and accepted.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until 3 o'clock this afternoon.

AFTER RECESS

The Senate was called to order by the President.

From the House, out of order, The Report of the Committee on Agriculture on Bill "An Act relating to the licensing of operators of milk gathering stations" (H. P. 41, L. D. 53) reported that the same ought to pass.

In the House the report read and

accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Banks and Banking on Bill "An Act relating to individual liability of stockholders" (H. P. 47, L. D. 59) reported the same in a new draft (H. P. 147) and that it ought to pass.

In the House the report read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Bill "An Act to improve the facilities of Maine airports."

Recalled to the House by Joint Order and recommitted to the Committee on Aeronautics and Radio Control.

In the Senate, on motion by Mr. Page of Somerset, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

From the House, out of order,

Bill "An Act to incorporate the Consolidated Mortgage Company" (S. P. 5, L. D. 13)

In the Senate, the report of the Committee accepted, read twice under the suspension of the rules and passed to be engrossed.

In the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Robie of Cumberland, that body voted to recede and concur with the House.

Reports of Committees

(Out of Order)

Mr. Weeks of the Committee on Judiciary on Bill "An Act relating to horse racing and creating a state racing commission" (S. P. 45, L. D. 117) reported that the same ought not to pass.

Mr. McDonald for the Committee on Temperance on Bill "An Act regulating the sale of intoxicating liquors" (S. P. 52, L. D. 149) reported that the same ought not to pass.

Mr. Farnsworth for the same Committee on Bill "An Act to amend Chapter one hundred thirty-seven of the Revised Statutes by repealing those portions designed for the enforcement of Federal Prohibition" (S. P. 39, L. D. 107) reported that the same ought not to pass.

(On motion by Mr. Weeks of Somerset, tabled pending acceptance and especially assigned for the end of today's calendar.)

Mr. Bissett for the same Committee on Bill "An Act to authorize the sale of intoxicating liquor for medicinal purposes" (S. P. 43, L. D. 116) reported that the same ought not to pass.

Mr. Bissett for the Committee on Temperance on Remonstrance signed by Rev. J. E. Besant and sixteen others against the repeal of the prohibitory law (S. P. 41) reported that the same be placed on file.

The same Senator for the same Committee on Remonstrance of Bryl Hodgkins of Jefferson and vicinity and thirty-nine others against liquor and saloons (S. P. 66) reported that the same be placed on file.

Which reports were read and accepted.

Sent down for concurrence.

The Majority of the Committee on Judiciary on Bill "An Act legalizing the exhibition of motion pictures under certain conditions on Sunday" (S. P. 50, L. D. 121) reported that the same ought not to pass.

(Signed)

Senators:

Weeks of Somerset
Holman of Franklin

Representatives:

Farris of Augusta
Fernald of Winterport
Laughlin of Portland
Hill of South Portland
Tompkins of Houlton

The Minority of the same Committee on the same subject reported that the same ought to pass.

(Signed)

Representatives:

Goudy of South Portland
Eldridge of Eastport

Mr. BISSETT of Cumberland: Mr. President and members of the Senate, I'm not going to take up much of your time on this matter, of course there are a great many people in the State of Maine who feel that we should have moving pictures on Sunday, and we already have them in some counties, but, nevertheless, not to take up your time I move the acceptance of the majority report "ought not to pass."

The motion prevailed and the majority report "ought not to pass" was accepted.

The Majority of the Committee on Judiciary on Bill "An Act relating to advertising of intoxicating liquors for sale" (S. P. 54, L. D. 123) reported that the same ought not to pass.

(Signed)

Senators:

Weeks of Somerset
Holman of Franklin

Representatives:

Farris of Augusta
Tompkins of Houlton
Hill of South Portland
Laughlin of Portland

The Minority of the same committee on the same subject reported that the same ought to pass.

(Signed)

Representatives:

Goudy of South Portland
Fernald of Winterport
Eldridge of Eastport

On motion by Mr. Weeks of Somerset, the majority report of the committee "ought not to pass" was accepted.

Sent down for concurrence.

Bills in First Reading

(Out of Order)

Resolve in favor of the City of Old Town (S. P. 44, L. D. 184)

An Act relating to ice fishing in the inland waters (S. P. 73, L. D. 183)

An Act to incorporate the Sullivan Water District (S. P. 59, L. D. 182)

Under suspension of the rules the bills were given their second reading and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: Is there any member who has anything on the table which can be taken up at this time and sent on its course?

On motion by Mr. Weeks of Somerset,
 Recessed, until 4 o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Bills in First Reading (Out of Order)

An Act relating to measurement of lobsters (S. P. 74, L. D. 188).

Which bill was given its second reading under suspension of the rules and passed to be engrossed.
 Sent down for concurrence.

Report of Committee (Out of Order)

The Committee on Legal Affairs presented its final report.

Which report was read and accepted.

Sent down for concurrence.

The PRESIDENT: Is there any further business that any member of the Senate desires to take up before we proceed to the matters that are on the table under Orders of the Day?

The President laid before the Senate, Resolve proposing a repeal of the 26th Amendment to the Constitution relating to the manufacture and sale of intoxicating liquors (L. D. 138), tabled earlier in today's session by Mr. McDonald of Washington pending adoption of Senate Amendment "A"; and the Chair recognized that Senator.

Mr. McDONALD of Washington: Mr. President and lady, members of the Senate, on the 17th of March, 1933, the matter of repeal was gone into at considerable length in this room and a good many of the reasons why repeal, or submission, rather, should be given to the people at this time were gone into at that time. Therefore I will not take very much of your time along that line because you all fully remember. A bill introduced into this Legislature asks for straight repeal of the 26th Amendment and it has been reported favorably by the committee, or at least, seven, I think, in favor and three against. The amendment which is proposed here, in my opinion rather confuses a majority of the members of this Senate. I have asked the opinion of quite a number of the members

here, especially the attorneys, and I find that even they do not agree on the exact meaning of the amendment. Some of them take one view and some another, and if attorneys cannot agree on this matter I do not know how they can expect us who are not of legal mind to interpret the thing correctly; and I sincerely hope that the amendment will not be adopted.

Mr. Weeks of Somerset offered Senate Amendment "A" to Senate Amendment "A" and moved its adoption.

The PRESIDENT: The Senator from Somerset, Senator Weeks, offers Senate Amendment "A" to Senate Amendment "A" and moves its adoption, and the amendment being an amendment to an amendment takes precedence over the motion to adopt. The Secretary will read the amendment.

The Secretary read the amendment:

"Senate Amendment 'A' to Senate Amendment 'A' to Legislative Document 138. Amend Senate Amendment 'A' to Legislative Document 138 by striking out the word 'amend' in the third line of Section 2 and substituting in place thereof the word 'amended'; and further amend the same by striking out the word 'section' in the same line and substituting in place thereof the word 'amendment'."

Mr. WEEKS of Somerset: Mr. President, I understand that this amendment meets with the approval of the person who drew the original amendment and merely clarifies the situation so that the words refer to particular matters as an amendment instead of a section and it is merely nominally changed. I hope it will be adopted.

The PRESIDENT: The Chair will state, what is perhaps unnecessary, that the adoption of this particular amendment does not affect the main question to which the Senator from Washington, Senator McDonald, addressed himself. That question will come subsequently if this is adopted. Is it the pleasure of the Senate that Senate Amendment "A" to Senate Amendment "A" be adopted?

Senate Amendment "A" to Senate Amendment "A" was adopted.

The PRESIDENT: The question now reverts to a motion made by myself before the Senate. Having made the motion it seems better,

perhaps, that I do not declare the result.

(At this point Mr. Holman of Franklin assumed the Chair, the President retiring.)

Mr. WEATHERBEE of Penobscot: Mr. President and members of the Senate, I think the amendment now before this Senate is in very plain terms indeed and there can be no question whatsoever about its meaning. This amendment, if adopted, will leave the 26th Amendment to the Constitution of Maine to read as follows: "The Legislature shall pass no act regulating or permitting the manufacture or sale of beverages containing more than four per cent. of alcohol by volume as an emergency measure within the meaning of Article XXXI of the amendments to the Constitution unless such act contains a provision for its submission to the vote of the electors."

Now, that means this, that there could be no emergency liquor legislation passed by a subsequent legislature after the adoption of this proposal that would deny the people the right of voting thereon. The Legislature, if it desires the Act to become effective within ninety days, might do so but it will only do so by submitting all provisions in the Act to the people to pass upon within the ninety days; so the only purpose of the act is to prevent the people having an opportunity to vote upon the legislative act and to record if they so wish their choice in the matter.

Now, it is very plain indeed and I first thought that I was in hearty accord with the amendment, but I really do not see why liquor legislation should be put in a category different from any other legislative act of a Legislature of the State of Maine. I believe in and rely upon the fairness and wisdom of all subsequent Legislatures of Maine. I cannot foresee what emergency in liquor legislation may not sometime arise in the State of Maine. Should we be permitting the sale of liquor for beverage purposes, and of course getting taxes thereon and license fees from dealers, there might be a financial emergency similar to the one we have gone through or even more critical than we have experienced which would require immediate action. And, of course, it can be truly said that you could have your referendum within ninety days but it might be important for you

to have the act go into effect within even a shorter time than ninety or sixty days. I think it is better to rely upon the wisdom of subsequent legislatures. I cannot fairly conceive that there would be a legislature in Maine that would in future enact liquor legislation that they dared not submit to the people. I think they will act wisely upon all the conditions that then confront them and that we had better have straight resubmission without any entanglements at all and permit the next Legislature to have an opportunity to enact any liquor legislation the same as it does all other legislation; and I shall therefore vote against the amendment.

Mr. HARMON of Hancock: Mr. President, this amendment, it seems to me, is virtually the same legislation that was defeated in the Legislature yesterday. I wish to say that I am in favor of straight resubmission of the question to the people of the State of Maine so that they may vote comprehensively upon it; and I am opposed to this amendment.

Mr. WEEKS of Somerset: Mr. President, during my practice of law, I have always had the greatest respect for the Constitution of Maine. I have always had great respect for every Constitution we have had, whether in the State or in the Country. I believe it is a fundamental law of the land, and the law which is used to protect minorities against conditions which we have found existing in the world today. I cannot conceive in any way the legislature of the State of Maine violating that Constitution and doing things which it should not do. I believe in absolute and lawful procedure in such a way that those minorities should be protected, that the welfare of the state of Maine shall always be in the hearts and souls of every one of us.

Now, what is the Democratic position in this matter? You have all been around here and you ought to know it. In the first instance, they have tried to foist upon us, over the Constitution, liquor legislation violating that Constitution, by placing it in the medicinal class when it is nothing but a subterfuge and nothing but a plan to make it a beverage. That is their first position. No doubt but what it is unconstitutional to do that. I think it is clear to every one of you that it is, and that procedure has almost been

abandoned. But what steps does the Democratic Party take next? They attempt next to carry on to the voters in September liquor legislation enacted by this legislature in contradiction to our Constitution, and now that position has had to be abandoned on account of the fact that we have received from the Supreme Court of this State, answers to our questions to that effect. Now, let's go one step further and see what they intend to do.

Immediately this amendment is adopted, if it is, by the people of Maine, they intend either at the special session which may be called, or at the regular session of this legislature, to come down here and enact emergency legislation entirely contrary to the Constitution, so that rum can flow as freely in the State of Maine as it would if we had no Constitution whatsoever.

It is nothing but a violation of our Constitution for the Democratic Party to take that position and I cannot conceive of taking that position which I believe is unlawful, unconstitutional, and a detriment to our great State.

The liquor problem is a serious proposition. Every one of us knows that. It is so serious that in the hearts and souls of every one of us we know that the use of liquor should be abandoned if it possibly can be carried through. We know it is detrimental to everything so far as human beings are concerned, and of no use whatsoever as a beverage.

Now, my position is, and I hope the Republican Party will take this position, that they believe in lawful procedure, in having the Constitution amended in the first instance and then come down here and if people of the State of Maine, by their representatives, wish to enact legislation allowing liquor to be used as a beverage, let them do so but with the privilege,—and this is where I differ from my Democratic friends,—but with the privilege of the people of the State of Maine invoking the referendum so that no minority party can foist upon the voters of the State of Maine something which is unconstitutional and which the Democratic Party wishes to make a beverage.

Now, I hope this is the sole and only difference between myself and my friends of the Democratic Party; but I say you are endeavor-

ing in every possible way you can find, to give liquor to the State of Maine contrary to the Constitution which we have, and which we have maintained for years. And I say the Republican Party, of which I am a member, is interested in carrying out the will of the people, but carrying it out lawfully, in a proper and orderly manner.

There is no emergency in this matter. It is such a serious question that we certainly ought to consider it and consider it carefully for the best interests of everyone.

Now, the only purpose of this amendment is to allow the people of the State of Maine to say whether or not any fanatical legislation which the Democratic party may adopt shall be adopted as the law of the State of Maine.

For this amendment I absolutely stand, and I certainly hope that it will be adopted.

MR. WEATHERBEE of Penobscot: Mr. President, I do not appear here as a Republican in defense of any Democratic conduct whatsoever. I do not look upon this matter today, as we face it here in the Senate, as a partisan matter at all. I believe that a majority of the Republicans of the legislature realize that the people of the State of Maine desire to vote upon the question of the retention of the 26th Amendment to Maine's Constitution, and that with that belief in their mind, they are anxious to afford that privilege.

As I said before, I am not fearful of improper conduct on the part of any future legislature of the State of Maine, and as a Republican, I want to emphatically state that the Democrats will not pass any improper liquor legislation in future legislatures of Maine because I say, as a Republican, that the Democrats are not going to have power in future legislatures to make such enactments. They are going to still be controlled by the Republicans of the State of Maine and you need have no apprehension as to what the Republicans in future legislatures in Maine will do.

MR. BLAISDELL of Hancock: Mr. President and Members of the Senate, I feel that I have no duty as a member of this Senate, and a Republican member of it, to stand here and support any of the prohibition measures that may be set forth by the Democratic Party. I feel some of the remarks made by

Senator Weeks to the effect that we are trying to do, or there has been tried to be done something in pushing through certain types of legislation relative to setting up the immediate sale of liquor, is certainly beside the issue and is not the point before the Senate.

My argument here, brief although it will be, is to the effect that I feel it my duty to insist and express my conviction so far as I may, that we should present to the people of the State of Maine, a clear cut issue. And I cannot resist the temptation of saying that President Murchie and Senator Weeks are encumbering, tying up, amending, complicating the issue that is before us because of no reason at all except that they fear the result. If they didn't fear the result, why not pass the straight issue?

I regret the necessity of saying that in the masterly address delivered this morning by our President, Senator Murchie, liking him although I do and always shall, I feel he made a masterly effort to write the Prohibition platform of the next Republican State Convention this morning before the Senate. Watch your newspapers and see if Mr. Murchie didn't pretty nearly write the platform for the State Convention.

I have but one question and one suggestion to offer to the Senate in the position I take, and that is this: Submit an outright, straight repeal and if Senator Weeks and Senator Murchie and others of you want to and wish to set up the provision that alcoholic liquor or drinks or beverages of four per cent. or over, must be submitted to the people of the State of Maine when passed as an emergency, set it up as a separate proposition. Why did they tie it in? They tied it in from fear. Set it up as a separate proposition and I will support the gentlemen; but give us two clear-cut issues.

You have gone to the polls and voted. Many of us who have had more or less experience with the legislature know, when we get home, of the type of question submitted when voting on Constitutional amendments and referendum. We understand, who have been here, but how about the hundreds of thousands of people of the State of Maine who are not here?

I am simply saying that these gentlemen are confounding the

question. That is what I mean. They are confounding the question when they send it back to the people as they have it now. If they separate it, and make two distinct things to send back to the people, I will vote for both of them, but the way it stands now I cannot do it.

Mr. BARTLETT of Oxford: Mr. President, I have listened with a great deal of interest to the remarks of the gentleman from Somerset (Senator Weeks). I do not care to enter in controversy with him as to which is the better legislator, whether Republican or Democrat. We are all here to do our duty. The people of Maine speak very plainly, it seems to me. They would like a chance to vote on a straight repeal measure. I hope this amendment of the Senator from Washington (Senator Murchie) will not be adopted. I would like to see a straight repeal vote go through and go to the people. He seems to fear what the vote would be, what we might do if the people repeal this law and we come back after next September, but I wish to remind him that his party would still be in the majority.

Mr. MURCHIE of Washington: Mr. President, I am sorry to have to discuss this matter once more, but I cannot fail to stand before this Senate and admit the Senator from Hancock (Senator Blaisdell) is entirely right. I assumed that in my remarks this morning I had made it perfectly plain that it was fear that produced this amendment, fear that the end to which the Senator from Somerset (Senator Weeks) has referred, represented the well designed plan of the Democracy of the State of Maine and of a faction in the Republican Party. I not only fear that is the fact, but I say to you, Mr. President and Members of the Senate, that I have personally no doubt that if the Twenty-sixth amendment to the Constitution of the State of Maine is eliminated from the fundamental law of the State, that an attempt will undoubtedly be made at the next legislature to enact liquor legislation under an emergency clause. And if any member of this Senate has any doubt of that result, let him stop for a moment and consider what other phases there can be for opposition to this amendment.

My friend, the Senator from Hancock (Senator Blaisdell), and I

have an equal regard for him to that which he has expressed for me, expresses the belief that I have this morning written the platform of the Republican Party for the next campaign. My friend, the Senator from Hancock, knows full well with any other member of this Senate, that there never has been a time in the history of the State of Maine when I was in a position to write a platform or when those who controlled the destinies of the Republican Party would not lean very strongly against any platform that I would seek to write.

The Senator from Hancock (Senator Blaisdell) knows, as do all the Members of this Senate, Democratic as well as Republican, that after a Republican caucus voted by a vote that I will not now make public, by an overwhelming majority, to stand for the submission of modification rather than outright repeal, that the national committeeman of the Republican Party in the State of Maine, the Honorable Joseph W. Simpson came to Augusta, and by virtue of his office in the Republican Party, used pressure to force members of this Republican Party in this legislature to vote contrary to their expressed desires at a caucus.

I do not believe the time will come when such power as that will ever be vested in my hands, but I proclaim to this Senate and the State of Maine, that should I ever hold a major office in a political organization and find myself at variance with the declaration of the Party, before I sought to upset the position of the Party, I would resign my office.

We have confusion among the members of the opposition as to this amendment. The Senator from Washington (Senator MacDonald) and the two senators from Hancock (Senators Blaisdell and Harmon) find that it is confusing. The Senator from Hancock (Senator Blaisdell) suggests that any issue must be confusing which is other than outright repeal. In the name of God, does the Senator not realize that the people in approximately 40 States of this Union had no trouble in understanding a repeal which was expressed in terms of modification and that only two States voted "No" against 37, I think, that voted "Yes". Was there any confusion in the fact that the Congress of the United States, in setting aside

Federal prohibition by a submitted amendment recognized that the liquor issue was one which should not be given absolute freedom, but provided that the Eighteenth Amendment should be repealed only if the States ratified an amendment that reserved to the Federal government some power of control to protect "dry" states?

The issue, Mr. President and members of the Senate, is the fundamental issue of popular government.—Shall the people be given the right to rule? I ask, Mr. President, when the vote is taken, it be taken by "yeas and nays".

Mr. SEAVEY of Oxford: Mr. President and Members of the Senate, I have enjoyed this discussion very much. I never before had the privilege of attending a Republican caucus. I enjoyed this one. I would like to say, being a member of this little band of Democrats (I think there are five) I think we have been paid a high compliment by the gentleman from Somerset (Senator Weeks), to think we should be inclined to handle the legislation of this body.

Mr. WINN of Androscoggin: Mr. President, I am one of those fellows who come under that famous letter "D" and I want to assure you in previous years, in sitting in the legislative body I have had occasion several times to support a Republican governor on issues of importance to the State of Maine, and sometimes I have had uncomplimentary things said, and at other times I have had compliments paid to me. After doing so, I have been returned to the other branch of the legislature and I have come into this branch of the legislature, and I feel it doesn't make me any better as to whether I am branded with "D" or branded with the letter "R", Republican.

You are all here in this honorable body, and I assure you I deem it an honor to come in here; but we are here to legislate for the citizens of the State of Maine, and I believe the citizens of the State of Maine are in favor of an outright proposition to vote upon the Twenty-sixth Amendment and I deem it a duty to support that. And I trust that future legislators will be here and will have the same ability and the confidence of the people, and they will want to do things as they see it for the betterment of the State of Maine and I have absolute confidence in future legislatures.

The PRESIDENT pro tem: Are you ready for the question? The pending question is that Senate Amendment "A" to Legislative Document 138 as amended by Senate Amendment "A" to Senate Amendment "A" be adopted. The yeas and nays have been called. Those in favor of taking the yeas and nays will rise and stand until counted. Those opposed will then rise and stand until counted.

A sufficient number have risen the yeas and nays were ordered, and the Secretary pro tem called the roll:

YEA—Abbott, Angell, Farnsworth, Gay, Jackson, Andrew, Kitchen, Littlefield, McLoon, Murchie, Page, Robie, Story, Weeks—13.

NAY—Bartlett, Bissett, Blaisdell, Cooper, Fernandez, Harmon, Hathaway, Holman, Jackson, McDonald, Pillsbury, Schnurle, Seavey, Towle, Viles, Weatherbee, Weymouth, Winn—18.

Thirteen having voted in the affirmative and eighteen in the negative the motion to adopt Senate Amendment "A" as amended by Senate Amendment "A" to Senate Amendment "A" did not prevail.

(At this point the President resumed the Chair, Mr. Holman retiring amidst the applause of the Senate.)

Thereupon, on motion by Mr. McDonald of Washington, the resolve was passed to be engrossed in concurrence.

The President laid before the Senate, bill, An Act to incorporate the Atlantic Seaboard Association (S. P. 9, L. D. 14) tabled earlier in today's session by Mr. Blaisdell of Hancock pending assignment for second reading and assigned for consideration at the end of the calendar.

Thereupon, Mr. Blaisdell of Hancock offered the following amendment and moved its adoption:

"Senate Amendment 'A' to Senate Paper 9, Legislative Document 14, entitled An Act to incorporate the Atlantic Seaboard Association. Amend said bill by striking out sub-section A in Section 1 and lettering Section B, A and Section C, B and Section D. C. Further amend said bill by striking out in Section 5 thereof the second and third sentences.

The PRESIDENT: The Senator from Hancock, Senator Blaisdell,

moves that the rules be suspended and that the bill be given its second reading at this time.

Thereupon, the rules were suspended and the bill received its second reading.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Hancock, Senator Blaisdell, that Senate Amendment "A" be adopted.

Senate Amendment "A" was adopted and the bill as amended by Senate Amendment "A" was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table Report of the Committee on Temperance, "ought not to pass", on bill, An Act to amend Chapter 137 of the Revised Statutes by repealing those portions designed for the enforcement of Federal prohibition (L. D. 107), tabled by that Senator earlier in today's session pending acceptance.

Thereupon, on motion by the same Senator the bill was substituted for the report and was given its first reading.

The same Senator then offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 107, Senate Paper 79. Amend Legislative Document 107, Senate Paper 79, by striking out Sections 9, 11 and 13 and adding thereto the following: 'Sec. 17. Validity of Act. If for any reason any sections, sub-section, sentence, clause or phrase of the foregoing section of this act shall be held unconstitutional, such decision shall not affect the validity of any other portion. It is hereby declared to be the legislative intent that said sections would have been adopted had such void and ineffective article, section, sub-section, sentence, clause or phrase not been included therein.'"

Thereupon, Senate Amendment "A" was adopted, and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until 5:30 o'clock this afternoon.

After Recess

The Senate was called to order by the President.

On motion by Mr. Kitchen of Aroostook, the rules were suspended and that Senator presented the following order and moved its passage:

"In the Senate, December 14, 1933, ORDERED, the House concurring, that the Controller is hereby directed to transfer four hundred thousand dollars (\$400,000) from the motor transport and equipment account in the Highway Department to the general funds in the treasury, as of December 30, 1933."

Mr. KITCHEN of Aroostook: Mr. President, by way of explanation in regard to this order, I will say, for the benefit of the Senators, that there is in the Highway Department in the motor transport and equipment department, a fund of \$458,000 that has been built up there over a period of years from monies received from rentals on equipment. The idea of that fund has been, of course, to keep up the equipment in the department and to buy new machinery as it is worn out, and so on. At the present time they find themselves in the condition that their equipment is in good condition and the chances are that in the near future they will not be called upon to buy new equipment. Consequently it is felt that \$400,000 of the \$458,000 might well be spared in this emergency to be transferred to the general fund of the treasury to help to make up the deficit in balancing the budget for this year. With that explanation I would also say that it has the approval of the entire membership of the Ways and Bridges Committee. I hope the order will receive passage.

Mr. Schnurle of Cumberland asked and received permission to address a question through the Chair to the Senator from Aroostook, Senator Kitchen.

Mr. SCHNURLE of Cumberland: Mr. President, I would like to know whether or not the Highway Commission feel inclined to allow the transfer of this fund. Does it meet with their approval?

The PRESIDENT: The Senator from Aroostook, Senator Kitchen, may answer the question if he wishes.

Mr. KITCHEN: Mr. President, I will say that I cannot answer that.

I have not consulted the Highway Commission. We did not feel that it was necessary, under the circumstances.

Mr. LITTLEFIELD of York: Mr. President, it seems to me that if the Highway Department have been smarter than the rest of them it is too bad to steal the money away from them. Now, I think that this elasticity bill which you have passed will furnish enough funds for any department that has not been able to keep up their end and I think it is ridiculous to take this money from the Highway Department and give it to the Governor and Council to spend on flowers and things around here in the summer, and I hope that this order will not pass. Now, there are a lot of third-class roads and a lot of things that have been hung up, and if they have that money in the Highway Department why not let the Highway Department give it to the roads?

Mr. VILES of Kennebec: Mr. President, I think this is a very wise order and I sincerely hope it will have passage. This is a measure that is absolutely necessary in order that we may balance the budget and provide revenue for the remaining part of the fiscal year. The money, as Senator Kitchen says, has been built up and their equipment is in good shape and they have this surplus and it is necessary that we have that. The elasticity bill, of course, does not add any revenue to the State. It is, as we all know, merely a bookkeeping bill whereby the Legislature directs either the Governor and Council or the Controller to carry out the enactments of the Legislature, allows them to use this money to carry out the mandate of the Legislature. Now, we must have revenue and this can properly be applied to our needs at this time. I assure you that it is necessary that we do pass the order.

Mr. LITTLEFIELD: Mr. President, what I would like to know is how this money has got by all these fellows and they haven't seen it when all they have to do is to say, "Here, you have some money there; put it in the pot; we want it." It seems to me as if there must be something wrong with this, but I don't know as there is.

Mr. KITCHEN: Mr. President, I think I can assure the Senator from York (Senator Littlefield), that there is nothing wrong with it and

also that there were a great many people in connection with this Legislature who knew that money is there, and in fact we included it in our program last winter but it has not been used; and I assure you I would not subscribe to such a thing if it weren't absolutely necessary because of the fact that we need all the money we can possibly receive for highways. And here is a situation. The people have told us very emphatically that they would stand for no more taxes. All right. We are agreed on that. We all feel very sure that if we were to enact further taxation at this time the people would be very much displeased. On the other hand we have all of the institutions here in the state which, unless some means is provided for financing those institutions, helping to finance them, many of them will be forced to close. It is a serious situation. I admit that it is, and I admit that the Ways and Bridges Committee has been very reluctant in agreeing to this and they only agreed as a last resort.

Mr. SCHNURLE: Mr. President, I guess perhaps again I will have to direct my question to the Senator from Aroostook, Senator Kitchen.

The PRESIDENT: The Senator from Cumberland, Senator Schnurle, may ask his question.

Mr. SCHNURLE: Under the flexibility act, will they not have access to this money without transfer?

The PRESIDENT: The Senator from Aroostook, Senator Kitchen, may answer the question if he wishes.

Mr. KITCHEN: I will say, Mr. President, that it would be my understanding not. Perhaps Senator Viles could answer that question.

Mr. VILES: Mr. President, I understand they do not.

Mr. SCHNURLE: Well, Mr. President, may I have explained to me why not?

Mr. VILES: Mr. President, I will try to answer the question. It is perhaps more a matter of bookkeeping than it is a matter of cash at the present time. They have no right to transfer that bookkeeping account to the general fund of the State without authorization from the Legislature.

Mr. LITTLEFIELD: Mr. President, I would like to inquire who authorized them to take the million

and a half of bond money. Did our Legislature do that last winter?

Mr. VILES: Mr. President, I hope the Senator from York, Senator Littlefield, doesn't think that I did it.

Mr. HARMON of Hancock: Mr. President and members of the Senate, I would like to ask, through the Chair, if the transfer of this money would affect the second and third class road money?

Mr. KITCHEN: I will say in reply to that, Mr. President, that it will not affect the second and third class road money.

Mr. SCHNURLE: Mr. President, at this time I want to say that I would oppose the passage of this order right at this present minute until I ascertain from the Highway Commission or from someone who can give me the information as to just exactly what their needs may be in the immediate future for replacement, and so forth. I don't know whether they will need it or not but I would like to know, because if the fund was built up for that purpose I think they should have some of the fund available for that purpose. I would like to find out.

Mr. VILES: Mr. President, I do not think that is a fair position to take on this matter. There is nobody more jealous of the Highway Department than the Highway Committee in this Legislature and they have unanimously endorsed this measure. Now, we shouldn't go to any understudy. We have their word and their endorsement. Now, if we cannot take the endorsement of our own members of this body, why, it is a pretty sad affair. I think we should pass the order and I think we should pass it now.

Mr. SCHNURLE: Mr. President, I don't question the endorsement of the committee but I would like to lay the order on the table and especially assign it for consideration tomorrow morning.

The motion to table and assign prevailed.

On motion by Mr. Weeks of Somerset,

Recessed, until 7:30 o'clock this evening.

After Recess

The Senate was called to order by the President.

From the House, out of order:

Report of the Committee on Judiciary on Bill An Act relating to temporary number plates on motor vehicles" (H. P. 15, L. D. 30) reported that the same "ought to pass".

In the House, the report was read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on bill "An Act enlarging the powers of receivers of banks and trust companies" (H. P. 100, L. D. 130) reported that the same "ought to pass".

In the House, the report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Legal Affairs on bill "An Act to incorporate the Blue Hill Water Company" (H. P. 104, L. D. 147) reported that the same "ought to pass".

In the House, the report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Resolve in favor of Charles Springer of Hartland" (H. P. 144, L. D. 172)

In the Senate, indefinitely postponed in non-concurrence.

In the House, that body having insisted on its former action whereby the bill was given its two several readings and passed to be engrossed,

and asked for a committee of Conference, the Speaker having appointed as members of that Committee

Messrs. Lancaster of Canaan
Rounds of Portland
Lindsay of East Machias.

In the Senate, on motion by Mr. Kitchen of Aroostook, that body voted to adhere.

Sent down for concurrence.

From the House, out of order,

Bill "An Act to incorporate the Islesboro Transportation Company" (S. P. 16, L. D. 51)

In the Senate, voted to adhere to its former action whereby the "ought not to pass" report of the Committee was accepted.

In the House, that body having substituted the bill for the report in non-concurrence and under suspension of the rules the bill was read three times and passed to be engrossed in non-concurrence.

In the Senate:

Mr. JACKSON of Sagadahoc: Mr. President, I want to move we recede and concur with the House and in doing so, I want to say just a word. I have no personal interest in this matter at all, but from the information I have, I believe that the Legal Affairs Committee were misinformed. As I understand it, a gentleman by the name of Sullivan appeared before that committee in opposition to this matter, saying he represented the selectmen. I have before me tonight two telegrams I will read: "Did not send Austin Sullivan to Augusta to represent the selectmen on any matter before the legislature. Did not know he was there. M. R. Trimm, Chairman Selectmen." The second one reads, "Austin Sutherland had no authority from me to represent the town of Islesboro at the state legislature. Howard C. Pendleton, Third Selectman."

Now, as I understand this measure, these people are asking for a franchise for a ferry out of Islesboro. The town, in regular town meeting, voted for this measure 148 to 35. We have voted for permission to use automobiles on Islesboro and it seems a fair proposition to me that the people be granted the right to build a ferry if they choose.

Mr. BLAISDELL of Hancock: Mr. President, I regret very much the necessity of boring the Senate with this matter, but the Legal Affairs

Committee heard the subject of issuing franchise rights for a ferry to the town of Islesboro. We have received innumerable communications from their heaviest taxpayers, from the vice president of the Standard Oil Company of this country down through to the lower levels. There is a controversy there, a serious controversy, with the question of how much area should be taken in by the rights of this franchise. I have been told it is reduced to three miles limit of franchise rights when formerly it was five miles.

A gentleman came before the committee and vigorously opposed this measure on the ground that it did not represent what the people of Islesboro wanted. It is true that what appeared to be a certified record of the town meeting in the town of Islesboro, showed a majority of the vote of the people in favor of the franchise. At the same time, it was a highly controversial matter which, under the pressure of the present legislature and the speed we were working at, the Committee on Legal Affairs did not feel it was able to arrive at the correct conclusion as to what are the rights and just what ought to be done, and as the result, the Committee on Legal Affairs, preferring to take a measure of safety or the position of safety, voted that this matter ought not to pass; that it ought to come at some subsequent session of the legislature when there was more time for the people to appear and give us the definite facts.

If there is anyone in this Senate who is perfectly clear as to the facts, I have no desire to influence you on how you should vote. The Legal Affairs Committee was unable to make a determination of the correct attitude it should take on that matter in such hasty circumstances, and therefore, I oppose the motion that has been presented.

Mr. JACKSON: Mr. President, when the vote is taken, I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Jackson, that the Senate recede and concur with the House in substituting the bill for the report and on that motion the Senator from Sagadahoc, Senator Jackson, has asked for a division.

A division of the Senate was had. Twenty-two having voted in the

affirmative and three in the negative, the motion to recede and concur prevailed.

Thereupon, on further motion by the same Senator, the rules were suspended and the bill was given its second reading.

Mr. BLAISDELL: I would like to inquire as to whether any amendment to the bill has been added in the House.

The PRESIDENT: The record shows no amendment. The House endorsement shows that the bill was read three times under suspension of the rules and passed to be engrossed in non-concurrence.

Mr. BLAISDELL: And it does not show a new draft, Mr. President?

The PRESIDENT: There is nothing to that effect on the bill or in the accompanying papers.

Thereupon, on motion of Mr. Blaisdell of Hancock, the bill was laid upon the table to be taken up later in today's session.

Paper from the House, out of order, disposed of in concurrence.

Mr. VILES of Kennebec: Mr. President, on the preceding bill the vote was to adhere and refuse the committee of conference. I know nothing about the merits of the bill at all but I think we should join and show the House the courtesy of joining in the committee of conference. There are other important measures coming along on which we desire a committee of conference and if it is agreeable to the Senator from Aroostook, Senator Kitchen, I would like to move reconsideration.

Mr. KITCHEN of Aroostook: That will be perfectly agreeable to me, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Viles, moves that the Senate reconsider its action taken a few minutes ago whereby it voted to adhere to its former action of indefinite postponement in non-concurrence on "Resolve in favor of Charles Springer of Hartland", House Paper 144, Legislative Document 172.

The motion to reconsider prevailed.

Thereupon, on motion by Mr. Viles of Kennebec the Senate voted to insist and join in the committee of conference.

The PRESIDENT: The Chair will advise the Senate that the Senator from Kennebec, Senator Viles,

states that he did not act with the majority of the Senate in the indefinite postponement of the resolve for which a committee of conference has just been authorized. Under the rules the conferees must represent the sentiment of the body and the Chair therefore appoints as such conferees, the Senator from Aroostook, Senator Kitchen, the Senator from Penobscot, Senator Weatherbee, and the Senator from Somerset, Senator Page.

From the House, out of order.

Bill "An Act relative to marathon and other competitive dances" (S. P. 48, L. D. 119)

In the Senate December 14th the bill was substituted for the report, given its several readings and passed to be engrossed as amended by Senate Amendment "A".

In the House, passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence.

In the Senate, that body voted to reconsider its action of yesterday whereby the bill as amended by Senate Amendment "A" was passed to be engrossed, House Amendment "A" was read and adopted in concurrence and the bill as amended by Senate Amendment "A" and House Amendment "A" was passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Appropriations and Financial Affairs on bill "An Act authorizing the Governor and Council to institute a building program for state institutions to relieve unemployment." (H. P. 6, L. D. 21) reported that the same ought to pass.

In the House, the report was read and accepted, the bill was given its three several readings under suspension of rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Appropriations and Financial Affairs on bill "An Act to provide for the issue of State of Maine improvement bonds" (H. P. 8, L. D. 23) reported that the same ought to pass.

In the House, the report was read

and accepted, the bill was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Appropriations and Financial Affairs on "Resolve proposing an amendment to the Constitution to provide for an increase of the state debt limit" (H. P. 7, L. D. 22) reported that the same ought to pass.

In the House, the report was read and accepted, the resolve was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the resolve was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Appropriations and Financial Affairs on "Resolve proposing an amendment to the Constitution to provide for a bond issue, the proceeds of which to be disbursed for the construction, improvement and equipment of state buildings" (H. P. 10, L. D. 25) reported that the same ought to pass.

In the House, the report was read and accepted, the resolve was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate:

Mr. LITTLEFIELD of York: Mr. President, may I ask the amount of those bonds, if it is there?

The PRESIDENT: Two million dollars payable within twenty years at a rate of interest not to exceed five per cent.

Thereupon, the report of the committee was accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order.

Report of the Committee on Banks and Banking on Bill "An Act authorizing trust companies to acquire and hold stock in Federal Reserve Banks" (H. P. 46, L. D. 58)

reported the same in a new draft (H. P. 146) under a new title "An Act authorizing trust companies to acquire and hold stock in Federal Reserve Banks and Federal Deposit Insurance Corporations" and that it ought to pass.

In the House, the report was read and accepted, the bill was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Appropriations and Financial Affairs on bill "An Act authorizing savings banks to acquire and hold stocks in Federal Reserve Banks" (H. P. 52, L. D. 64) reported the same in a new draft (H. P. 145) under a new title "An Act authorizing savings banks to acquire and hold stocks in Federal Reserve Banks and Federal Deposit Insurance Corporation" and that it ought to pass.

In the House, the report was read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Education on "Resolve in favor of a state pension for Ethel W. Knowlton of Monson" (H. P. 108) reported that the same ought to pass.

In the House, the report was read and accepted, the resolve was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the resolve was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on "Resolve ratifying the proposed Amendment to the Constitution of the United States permitting Congress to regulate child labor" (H. P. 94, L. D. 140) reported that the same ought to pass.

In the House, the report was read and accepted, the resolve was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the resolve was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Legal Affairs on bill "An Act relating to the School Board of the City of Lewiston" (H. P. 103, L. D. 148) reported the same in a new draft (H. P. 148) under the same title and that it ought to pass.

In the House, the report was read and accepted, the bill was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill was given its several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Legal Affairs on bill "An Act to provide a Commission form of Government for the Town of Houlton" (H. P. 135, L. D. 160) reported the same in a new draft (H. P. 149) and that it ought to pass.

In the House, the report was read and accepted, the bill was given its several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

On motion by Mr. Blaisdell of Hancock the Senate voted to take from the table, An Act to incorporate the Islesboro Transportation Company (S. P. 16, L. D. 51), tabled earlier in today's session by that Senator pending passage to be engrossed.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 51, Senate Paper 16, An Act to incorporate the Islesboro Transportation Company.

"Sec. 8. Amended to read as follows: 'Sec. 8. No Ferry to operate within 3 miles of Smiths Landing.

During the life of this charter no person, firm or corporation shall maintain any ferry service for hire from or to any point on the westerly shore of the town of Islesboro within three miles from Smith's Landing, so-called."

Senate Amendment "A" was adopted; and on further motion by the same Senator the bill as amended by Senate Amendment "A" was passed to be engrossed in non-concurrence.

Sent down for concurrence.

From the House, out of order,

The Committee on Legal Affairs on bill "An Act to incorporate the town of Norridgewock School District" (H. P. 75, L. D. 81) reported that the same ought to pass.

In the House, report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed as amended by House Amendment "A" and House Amendment "B".

In the Senate, the report of the committee was accepted in concurrence, and the bill was given its first reading; House Amendments "A" and "B" were read and adopted in concurrence; the bill was given its second reading under suspension of the rules and passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.

From the House, out of order,

The Committee on Legal Affairs on bill "An Act to incorporate the town of Tremont School District" (H. P. 65, L. D. 75), reported that the same ought to pass.

In the House, report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed as amended by House Amendment "A" and House Amendment "B".

In the Senate, the report of the committee was accepted in concurrence, and the bill was given its first reading; House Amendments "A" and "B" were read and adopted in concurrence; the bill was given its second reading under suspension of the rules and passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.

From the House, out of order,

The Committee on Legal Affairs on Bill "An Act to incorporate the town of Mexico School District" (H.

P. 28, L. D. 43) reported that the same ought to pass.

In the House, report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence; the bill was given its second reading under suspension of the rules and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House, out of order,

The Committee on Legal Affairs on Bill "An Act to create the town of Monticello School District" (H. P. 66, L. D. 76) reported that the same ought to pass.

In the House, report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence, and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence; the bill was given its second reading under suspension of the rules and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House, out of order,

The Committee on Legal Affairs on bill "An Act to incorporate the town of Orono School District" (H. P. 24, L. D. 39) reported that the same ought to pass.

In the House, report read and accepted and under suspension of the rules the bill was given its several readings and passed to be engrossed as amended by House Amendment "A" and House Amendment "B".

In the Senate, the report was accepted in concurrence, and the bill was given its first reading; House Amendments "A" and "B" were read and adopted in concurrence; the bill was given its second reading under suspension of the rules and passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.

Additional paper from the House, out of order, disposed of in concurrence.

On motion by Mr. Weeks of Somerset,
Recessed, until 9:30 o'clock this evening.

After Recess

The Senate was called to order by the President.

Passed to be Enacted

(Out of Order)

An Act to incorporate Michael Stream Log Driving Company (S. P. 13, L. D. 83)

An Act creating the Baxter State Park Commission, and defining its powers and duties (H. P. 72, L. D. 78)

An Act to enable domestic mutual fire insurance companies to obtain aid from the federal intermediate credit bank (H. P. 84, L. D. 110)

An Act for the regulation of the practice of hairdressing and beauty culture (S. P. 68, L. D. 171)

On motion by Mr. Weeks of Somerset, the bill was indefinitely postponed in non-concurrence.
Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby an order relative to the transfer of funds from the Motor Transport and Equipment Account was laid upon the table and tomorrow assigned; and on further motion by the same Senator the order received a passage.

The PRESIDENT: Is there any further business to come before the Senate this evening?

On motion by Mr. Weeks of Somerset,

Adjourned, until tomorrow morning at ten o'clock.