

# 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

Wednesday, December 20, 1933.

Senate called to order by the President.

Prayer by the Rev. William R. Wood of Augusta.

Journal of yesterday read and approved.

From the House, the following order:

ORDERED, the Senate concurring, that the Joint Order relative to reimbursing members not exceeding three dollars per day for expenses while attending the present special session of the Legislature be recalled from the legislative files to the House.

In the House, read and passed.

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

Sent down for concurrence.

### Orders of the Day

The President laid before the Senate, bill, An Act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts (L. D. 199), titled by Mr. Weatherbee of Penobscot yesterday pending adoption of Senate Amendment "D" in non-concurrence; and the Chair recognized that Senator.

Thereupon, that Senator asked and received permission to withdraw Senate Amendment "D;" and Senate Amendment "D" was accordingly declared withdrawn.

The same Senator then offered Senate Amendment "E" and moved its adoption.

"Senate Amendment "E" to Legislative Document 199:

"Amend said Act by striking out everything after the title and substituting in place thereof the following:

"Be it enacted by the People of the State of Maine, as follows:

Sec. 1. There is hereby levied and imposed an excise tax of twenty (20) cents per quart upon all alcohol and all beverages containing alcohol in excess of four per cent by volume sold within the state for medicinal purposes.

Sec. 2. The State Tax Assessor is hereby authorized to license wholesalers either within or without the State and retailers for the distribution and sale within the State

of alcohol and beverages containing more than four per cent of alcohol by volume for medicinal purposes, providing however that no retail license shall be granted except to a registered pharmacist. The license fee payable for such licenses shall be three hundred dollars (\$300) for a wholesale license and ten dollars (\$10) for a retail license.

Sec. 3. Wholesalers licensed under the terms of this Act are hereby authorized to make sales to retailers licensed hereunder for medicinal purposes.

Sec. 4. Any person or corporation engaged in the manufacture of any commodity which may be legally sold within the State may be licensed to purchase from any licensed wholesaler as a manufacturer, and the fee for such license shall be ten dollars (\$10). Licensed wholesalers may also sell to licensed manufacturers.

Sec. 5. Retailers licensed in accordance with the terms of this Act are hereby authorized to sell alcohol and beverages containing more than four per cent of alcohol by volume for medicinal purposes on prescription of a physician authorized to practice within the State, but such prescription shall give the full name both of the patient and of the physician, shall be filled only once and shall be retained by the retailer and be available for inspection by proper officers of the State or of any county.

Sec. 6. Every wholesaler licensed as provided in Sec. 2 shall file a detailed acknowledged certificate with the State Auditor on forms prescribed and furnished by the Auditor which shall contain the name under which such wholesaler is transacting business within the State, the place or places of business, the location of warehouses and agencies; and no wholesaler shall sell or distribute any of the commodities governed by this act until such certificate is furnished.

Sec. 7. Every wholesaler shall on or before the 15th day of each month render a report to the State Auditor stating the number of quarts of the commodities herein authorized sold or distributed to retailers during the preceding calendar month and on or before the first day of the calendar month next thereafter shall pay to the Treasurer of State the aforesaid tax of twenty (20) cents per quart.

Sec. 8. The transportation of the commodities covered by the terms of this Act, either into the State or from place to place therein, is hereby declared lawful."

Mr. WEATHERBEE of Penobscot: Now, fellow Senators and Madame Senator, this is a strictly medicinal liquor bill. It also, incidentally, carries practically the same revenue provisions that the druggist bill carries. It is offered without any emergency preamble with the belief that its terms are so within the provisions of the constitution of Maine that there will be no referendum invoked by the legislators of the State of Maine, and owing to the very late hour of the session, the existing conditions, and instead of having the entire bill engrossed at the expense of your time, perhaps for an extra day, many of us in consultation deemed this as the wise procedure upon this occasion; and we offer it to you for your acceptance.

Thereupon, the Senator from Sagadahoc, Senator Jackson, asked and received permission to address a question through the Chair from the Senator from Penobscot, Senator Weatherbee.

Mr. JACKSON of Sagadahoc: Mr. President, I would like to ask, for my own edification and that of my fellow Senators who didn't understand, where in Section 5 we read 'on prescription of a physician' what the meaning is of the word physician?" Is that all-embracing, including homeopaths, alapaths, osteopaths, chiropractors and even dentists? What is the intent of the word 'physician'?"

Mr. WEATHERBEE of Penobscot: Mr. President, I will say in answer that it includes all those who are licensed to practice in the state of Maine as physicians. That would not include dentists. It would include the osteopaths and chiropractors.

Mr. BLAISDELL of Hancock: Mr. President, I would like to inquire through the Chair whether or not the Senator from Penobscot, Senator Weatherbee, would consent to an oral amendment to this amendment so that the word "auditor" wherever it appears, in order to conform to the code, shall read "state controller?"

The PRESIDENT: Does the Senator from Penobscot, Senator Weatherbee, accept the change to delete the word "auditor" in the sixth and seventh sections and in-

sert in place thereof the word "controller?"

Mr. WEATHERBEE: Mr. President, I have no objection to that.

The PRESIDENT: Is it the pleasure of the Senate that the amendment offered by the Senator from Penobscot, Senator Weatherbee, be changed so that the word "controller" will be used in place of the word "auditor" in two places in section 6, both in the third line, and in one place in section 7, in the second line.

The Senate accepted the amendment.

Thereupon, on motion by Mr. Weatherbee of Penobscot, Senate Amendment "E" was adopted and the bill as amended by Senate Amendment "E" was passed to be engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recess, until 10:45 o'clock this morning.

#### After Recess

The Senate was called to order by the President.

Mr. WEATHERBEE of Penobscot: Mr. President, do I understand that the medicinal liquor bill is before the Senate at this time?

The PRESIDENT: The medicinal liquor bill is on the table awaiting transmission to the House. A motion to reconsider would be in order.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the Senate voted to reconsider its action just previously taken whereby bill, an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts, was passed to be engrossed as amended by Senate Amendment "E" in non-concurrence; and on further motion by the same Senator, the Senate reconsidered its vote taken earlier this morning whereby Senate Amendment "E" was adopted.

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

"Senate Amendment 'A' to Senate Amendment 'E' to legislative document 199. Amend said amendment by adding a new section as following: 'Section 9. Licenses hereunder shall be good only for the calendar year in which issued.'"

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

Mr. VILES of Kennebec: Mr. President, may I inquire through the Chair of the Senator from Penobscot, Senator Weatherbee, whether there is any provision now in the bill for the revocation of licenses and whether he deems it advisable that such a section be put in?

The PRESIDENT: The Senator from Kennebec, Senator Viles, asks a question through the Chair of the Senator from Penobscot, Senator Weatherbee, who may answer if he desires.

Mr. WEATHERBEE: Mr. President, I will say, Mr. President, that there is no provision for revocation of licenses but I will add this, that if any licensee should sell other than in accordance with the provisions of that bill he could be punished for violating the prohibitory laws of the State of Maine.

Mr. VILES: Mr. President, a second question. Should it provide that anyone who has a registered druggist in his employ may have a license?

Mr. WEATHERBEE: Mr. President, I will say that "licenses shall not be granted to anyone but a registered pharmacist."

Mr. VILES: Would the Senator think it advisable, Mr. President, that anyone employing a registered druggist should have a license? For instance, a druggist may die and his widow may own the business and she is now compelled to employ a registered druggist. I wondered—and I am asking only to clarify the thing—if it shouldn't be possible for the owner of a drug store employing a registered druggist to procure a license?

Mr. WEATHERBEE: I have no objection to such an amendment if the Senator will draft one.

Mr. VILES: I am not trying to delay the bill, Mr. President, unnecessarily, but I think that we ought to consider these things pretty carefully and if they have merits include them at this time.

Mr. LITTLEFIELD of York: Mr. President, we have all been saying that we didn't want to license saloons. Now, if you allow anyone who can employ a registered pharmacist you are getting into the rum business good and plenty. Why couldn't I go down to Biddeford or somewhere else and hire a registered druggist and go into the drug

business and get a license for ten dollars a year and sell more rum in Biddeford than we have seen down here this winter? I could do it easily. I don't think we should do it. I pity the widow who has lost her husband who was a druggist but I declare I don't think we should have such an amendment.

Mr. BISSETT of Cumberland: Mr. President, I would like to inquire what measure we are discussing at the present time and what is before the Senate?

The PRESIDENT: The Chair understands that Senate Amendment "A" to Senate Amendment "E" has been adopted. There is no motion at present before the Senate. The Senator from Kennebec, Senator Viles, has asked several questions of the Senator from Penobscot, Senator Weatherbee, and they have been answered.

Mr. BISSETT: I would like to have the same privilege, Mr. President. Perhaps I may be thick, I may be like the Scotch poet, Bobby Burns, who said, "I would some power the giffle gie us to see oursels as ithers see us." My question is this. Is it true that under this amendment which is now before us it will not be possible for anyone to have liquor brought into this State for medicinal or mechanical purposes or the arts before three months from now?

Mr. WEATHERBEE: I will say, Mr. President, that none of the provisions of this bill would become operative until the expiration of ninety days but I am not quite ready to agree with the contention in your question as to transportation. You have an emergency bill which will be signed and which will allow transportation, if any bill that we could enact would allow transportation.

Mr. BISSETT: Mr. President, I would like to ask if the Senator is sure that that the emergency bill, Bill No. 107, will be signed?

Mr. WEATHERBEE: I believe so, Mr. President.

Thereupon, Senate Amendment "E" as amended by Senate Amendment "A" to Senate Amendment "E" was adopted.

The PRESIDENT: The Chair will state that when this bill was engrossed the last time, it was engrossed as amended by House Amendment "E" as further amended by House Amendment A, as amend-

ed by House Amendment A to House Amendment A, and by House Amendment B. In order to clear the records, the amendment offered by the Senator from Penobscot (Senator Weatherbee) having stricken out everything after the title, the Chair will put a single question on all other amendments, but that question is divisible if any Senator desires. Is it the pleasure of the Senate that all amendments heretofore adopted, in concurrence, House Amendments E, A, B, and House Amendment A to House Amendment A, be all indefinitely postponed in non-concurrence? The Chair will state the effect of this motion if adopted, will be to leave the bill passed to be engrossed as amended by Senate Amendment E as amended by Senate Amendment A to Senate Amendment E. Is it the pleasure of the Senate that these amendments be indefinitely postponed in non-concurrence?

Thereupon, House Amendment E, House Amendment B, House Amendment A as amended by House Amendment A to House Amendment A, were indefinitely postponed in non-concurrence.

Thereupon, Legislative Document 199 was passed to be engrossed as amended by Senate Amendment E as amended by Senate Amendment A to Senate Amendment E, in non-concurrence.

Sent down for concurrence.

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

Mr. VILES of Kennebec: Mr. President, I believe there is an order on the table presented by the Senator from Somerset, Senator Weeks, calling for a joint convention. I wish to move, with his approval, that this order be taken from the table and that it be indefinitely postponed.

Thereupon, the order calling for a joint convention was taken from the table; and on further motion by the same Senator the order was indefinitely postponed.

Upon motion by Mr. Viles of Kennebec,

Recessed until eleven-thirty.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair will announce at this time that as result of the vacancy in the Senate created by appointment of the Senator from Androscoggin, Senator Holmes, to the Bench, there is a vacancy on the committee appointed under joint order relative to the study of the pauper laws of the State, the committee being originally made up of the Senator from Androscoggin, Senator Holmes, and the Senator from Somerset, Senator Weeks. The Chair will appoint in place of the Senator from Androscoggin, Senator Holmes, the Senator from Franklin, Senator Holman.

From the House, out of order:

The Majority of the Committee on Appropriations and Financial Affairs on bill an act creating a state lottery commission (H. P. 4, L. D. 19) reported the same ought not to pass.

(Signed) Viles of Kennebec  
Cooper of Waldo  
Fenlason of Anson  
Carleton of Portland  
Tupper of Calais  
Hussey of Augusta

The Minority of the same Committee on the same bill reported the same in a new draft (H. P. 157) under the same title and that it ought to pass.

(Signed) Robie of Cumberland  
Thompson of Belfast

In the House, the Minority Report "ought to pass in new draft" accepted, and the bill passed to be engrossed as amended by House Amendment "A" and House Amendment "B."

In the Senate:

Mr. ROBIE of Cumberland: Mr. President, I feel that having spent several days down here at the call of this special session, should we go home without leaving the State Treasury with some means of being replenished, we would be considerably remiss in our duty. Personally, I brush my morals aside with reference to this lottery bill and am willing to vote for it and support it, as I believe there is an excellent means to raise revenue with it. The program as outlined to take care of the \$1,800,000 deficit is somewhat short by some \$375,000. We have not arranged for any new money at all. With that thought in mind, Mr. President, I move we concur with the House in the adoption of the

minority report and subsequent amendments.

Mr. WEATHERBEE of Penobscot: Mr. President, the Senator from Cumberland, Senator Robie, when he says he would lay his morals aside on account of the urgent need of getting revenue, reminds me of the advice of a certain father to his son. He said, "My boy, you should diligently apply yourself to acquiring money. Get it honestly if you can, but get money."

Now the only excuse for the passage of this bill is the dire necessity of money. We must lay aside all our morals, all our conceptions of propriety and all decency, but get money. If that be the only purpose of the bill, then it ought to be amended and enlarged very much so that it could and should include many devices of gambling. I should have my State, if the purpose was just to acquire revenue, have a monopoly on all gambling machines of every device in the State of Maine. I would supplement it by establishing a Monte Carlo at Old Orchard, one in Bar Harbor and one in Portland. I would allow betting on horse races, and I do not know but I would go so far, if the necessity were so greatly urgent, that I would make a deal with gangsters and would say to the kidnaper who had got a very large ransom, "If you return to the State about two-thirds of the ransom money, we will guarantee you a pardon." There is another source of revenue if you have no regard for propriety and no sense of decency. Why not have the State license and operate houses of ill fame? They all go along in the same category.

I do not believe the members of the Senate, members of the Legislature, are going to have the State go into the lottery business.

I hope the motion of the Senator from Cumberland, Senator Robie, will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Robie, that the Senate concur with the House in the acceptance of the minority report of the committee, "ought to pass in a new draft." As many as are in favor of the motion will say "Aye" and those contrary minded will say "No."

A viva voce vote being had, the motion did not prevail.

Thereupon, on motion by Mr. Weeks of Somerset, the bill and ac-

companying reports were indefinitely postponed in non-concurrence.

On motion by Mr. Weeks of Somerset

Recessed until one-thirty this afternoon.

#### After Recess

The Senate was called to order by the President.

From the House, out of order, the following order:

"Ordered, the Senate concurring, that a Joint Select Committee be created, consisting of three on the part of the Senate to be named by the President and four on the part of the House to be named by the Speaker, for the purpose of immediately preparing some acceptable amendment to L. D. 199, An act regulating sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts; and report immediately to the Legislature their recommendations."

In the House, read and passed, the Speaker of the House having appointed as members of such Committee on the part of the House Messrs. Goudy of South Portland, Scates of Westbrook, Breen of Lewiston, Miss Laughlin of Portland.

In the Senate:

Mr. BLAISDELL of Hancock: Mr. President, I move that the Senate join with the House in passing this order in concurrence.

Mr. WEEKS of Somerset: Mr. President, I move the indefinite postponement of the order.

A viva voce vote being doubted

A division of the Senate was had.

Twelve having voted in the affirmative and nine opposed, the motion to indefinitely postpone in non-concurrence prevailed.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until 1.45 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

#### Communication (Out of Order)

Special message by the Governor to the 86th Legislature.

To the members of the 86th Legislature, in special session:

The Legislature is about to ad-

journal without making any provisions for the sale and keeping of intoxicating liquors under the terms of the Constitution.

Hospitals cannot secure a necessary supply.

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

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

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

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

Legislative Document 107 does not provide a remedy.

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

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

The failure to enact legislation will cause bootlegging and smuggling.

You have not yet completed your job.

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

December 20, 1933.

Thereupon, the communication was placed on file.

Sent down for concurrence.

From the House, out of order,  
Resolve on the pay roll of the House of Representatives (H. P. 158)

In the House, out of order and under suspension of the rules received and given its several readings and passed to be engrossed.

In the Senate, the rules were suspended and the resolve was received out of order without reference to a committee, given its two several readings and passed to be engrossed in concurrence.

From the House, out of order,  
Resolve on the pay roll of the subordinate officers and employees of the 86th Legislature and of the chaplains for the December Special Session (H. P. 159)

In the House, out of order and under suspension of the rules re-

ceived and given its several readings and passed to be engrossed.

In the Senate, the rules were suspended and the resolve was received out of order without reference to a committee, given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Weeks of Somerset, out of order, it was

Ordered, the House concurring, that the State Librarian mail to each member and officer of the House and Senate a copy of the Legislative Record of this special session when completed.

Sent down for concurrence.

Out of order and under suspension of the rules

Mr. Viles of Kennebec presented "Resolve on the Pay Roll of the Senate" (S. P. 79)

Thereupon, on motion by that Senator the rules were suspended and the resolve was received without reference to a committee, given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Viles of Kennebec, out of order, it was

Ordered,

WHEREAS, the pay roll of the subordinate officers, employees and chaplains of the 86th Legislature for the December Special Session, Legislative Document 159, was originally made up to and including December 19, 1933, and

WHEREAS, additional authority is necessary to provide for the payment of such additional days as the Legislature has been in session since said date, it is therefore

Ordered, the House concurring, that the Controller be directed to pay said subordinate officers, employees and chaplains such additional amounts as may be due them for said additional legislative days, based on the same rate per day as was used in computing the regular payroll above referred to, the same to be charged to appropriation for legislative expense.

#### Committee Report (Out of Order)

The Committee on Appropriations and Financial Affairs submitted its final report.

Which report was read and accepted.

Sent down for concurrence.



On motion by Mr. Weeks of Somerset,

Recessed, until 2:30 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

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

On motion by Mr. Weeks of Somerset,

Recessed, until 2:45 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

From the House, out of order:  
Communication from the Clerk of the House of Representatives.

House of Representatives,

Augusta, Maine

December 20, 1933.

To Royden V. Brown,  
Secretary of the Senate of the  
Eighty-sixth Legislature.  
Sir:

The Governor of the State having returned to the House

"An act to increase the staff of the commander-in-chief to six by adding an additional member with the rank of lieutenant-commander." with his objections to the same; the House proceeded to vote on the question

"Shall the bill become law notwithstanding the objections of the Governor?"

A ye a and nay vote was taken: eighteen voted in the affirmative and one hundred fifteen in the negative, and accordingly the bill failed to become law.

Most respectfully yours,

(Signed) HARVEY R. PEASE,

Clerk of the House.

Which was read and placed on file.

Mr. Abbott of York, out of order and under suspension of the rules by unanimous consent presented bill an act to correct an error in date in an act entitled an act to amend an act to redraft the charter of the city of Biddeford passed at this December 1933 special session. (S. P. 80)

On motion by the same Senator the bill was considered without reference to a committee, given its two several readings under suspension of the rules and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until 4:15 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

#### Finally Passed (Out of Order)

Resolve on the pay roll of the Senate. (S. P. 79)

Resolve on the pay roll of the House of Representatives (H. P. 158)

Resolve on the pay roll of the subordinate officers and employees of the 86th legislature and of the chaplains for the December special session, (H. P. 159)

#### After Recess

The Senate was called to order by the President.

From the House, out of order.

Bill an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts. (H. P. 156, L. D. 199)

In the Senate on December 20 the bill passed to be engrossed as amended by Senate Amendment "E" as amended by Senate Amendment "A" thereto, in non-concurrence.

In the House, Senate Amendment "E" as amended by Senate Amendment "A" thereto indefinitely postponed, and passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto, and by House Amendments "B" and "I" in non-concurrence.

In the Senate:

Mr. VILES of Kennebec: Mr. President, what is the pending question?

The PRESIDENT: The bill is before the Senate for consideration. It was passed to be engrossed in the Senate as amended by Senate Amendment "E," that amendment having been amended by the adoption of Senate Amendment "A" to "E." It comes back from the House, this amendment having been rejected and the bill having been passed to be engrossed as amended by House Amendment "A," House Amendment "A" to House Amendment "A," House Amendment "B" and House Amendment "I" in non-concurrence.

Mr. VILES: Mr. President, I move that we recede and concur with the House.

The PRESIDENT: The motion, the Chair is sorry to say, is not in order.

Mr. VILES: What is the proper motion, Mr. President?

The PRESIDENT: The bill stands before the Senate as an engrossed bill.

Thereupon, on motion by Mr. Viles of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby the bill, as amended by Senate Amendment "E" as amended by Senate Amendment "A" to Senate Amendment "E," was passed to be engrossed.

Mr. VILES: Mr. President, I move that the House amendments be accepted by the Senate.

The PRESIDENT: Does the Senator desire the amendments read?

Mr. VILES: No, Mr. President.

Mr. LITTLEFIELD of York: Mr. President, if I may inquire, has the Senator any objection?

Mr. VILES: Mr. President, I certainly have no objection.

Mr. LITTLEFIELD: Then, Mr. President, I would like to hear them read.

Thereupon, House Amendment "I" was read and adopted in concurrence; House Amendment "B" was read and adopted in concurrence; House Amendment "A" as amended by House Amendment "A" to House Amendment "A" was read and adopted in concurrence.

The PRESIDENT: Before putting the motion for passage to be engrossed the Chair will call the attention of the Senate to the fact that in the House amendments we have two separate amendments purporting to add a paragraph labeled "P" at the end of Section 5, and to the further fact that the Revisor of Statutes wanted to secure the bill on its passage from the House to the Senate to prepare an additional amendment. The Chair is of the opinion that if the bill is to be passed it needs further amendment but if the Senate desires to pass it to be engrossed in its present form the Chair will put the motion.

Thereupon, on motion by Mr. Holman of Franklin, the bill was laid upon the table for five minutes, at the end of which time the President again laid the bill before the Senate and recognized the Senator from Franklin, Senator Holman.

Mr. HOLMAN of Franklin: Mr. President and members of the Senate, I move the indefinite postpone-

ment of the bill. In the first place, I think this Legislature has done all that the people demand, both parties, by passing the bill to re-submit the 26th Amendment. Secondly, it would seem to me that this bill in itself is absolutely an unworkable bill. There are apparently many conflicting elements in the bill. This bill, as any other bill of so great importance as this that comes before a body just before adjournment without going to a committee so that all the elements of the bill can be digested and understood, is apt to be passed in some form that none of us know what we are doing. Again, I don't think that this Legislature at this time can pass any liquor legislation that is satisfactory to the voters of the State of Maine. It is my idea that when a liquor bill is passed they want a liberal bill, one that will not only protect the druggists but will protect the hotels and all the other people of the State of Maine. This bill sets up class legislation for the benefit of a few and it seems to me that until we know the bill and know what it is all about—and we have given the proponents of the bill plenty of time to draft a bill here—I don't feel we should attempt to pass legislation set up here for a revenue unless we know what the bill is about. And furthermore, as the present situation is I don't believe it is possible for this Legislature to pass any bill that will set up revenue and that will still be constitutional.

Mr. WEATHERBEE of Penobscot: Mr. President and members of the Senate, I cannot subscribe to the views of the distinguished Senator who has just spoken, neither do I subscribe to his construction of the law. There is absolutely no question whatever but what we can pass a bill for the obtaining of medicinal liquor legally in the State of Maine. There is no law whatsoever that would prevent you from getting revenue on such a bill. Now, do not be disturbed by any such pronouncements of the law in conflict with what I have told you. We need not be afraid of this bill. We need not be afraid that we shouldn't pass it because we don't understand it. "Who is afraid of the big, black wolf?" Nobody is afraid of the big, black wolf! Nobody is afraid of the big, black wolf! It takes something more than that to scare us here. Everybody understands the full pur-

ports of these simple amendments which have been offered here, and after having put in several days upon this measure and having reached the point where we will shortly conclude with it are we going to admit our inability to pass a medicinal liquor bill in the State of Maine? Do the members of the Senate wish to endorse such a proposition as that? I'm sure you don't. We have sufficient ability and intelligence to cope with this tremendous problem! Now, don't forget that for a moment.

My idea is this. We should adopt these amendments, pass this bill to be engrossed. There is still one other little, simple amendment that will have to be made, the change of a mere word. It will be an additional amendment but everyone will understand what it means. One word in the present bill improperly there. Pass it to be engrossed, let it go to the other branch and then they can have a test vote there to determine whether the bill shall be passed under the emergency preamble, if the proponents of the bill lack a sufficient number of votes then it may come back to this Senate and we can strike off the emergency preamble and pass it by a majority vote, naming a date for the referendum upon the bill so that the bill will go to the people early in May and become a law at that time if the bill is endorsed. Now, that is the proper thing to do in this matter. Now let us do our work. Let us not be frightened, because there is nothing to be scared about. "Who's afraid of the big, black wolf?"

(At this point Mr. Jackson of Sagadahoc assumed the Chair, the President retiring.)

Mr. MURCHIE of Washington: The quotation of the Senator from Penobscot, Senator Weatherbee, of "Who's afraid of the big black wolf" or "big bad wolf" as I have always heard it, reminds me of another saying that is of particular importance in this legislature, "Great is the power of rum." Approximately 24 hours ago this Senate met in session to consider this very bill, and passed to be engrossed in both branches in a draft which the Senator from Penobscot, (Senator Weatherbee) now admits was a form in which it would be unworkable because he subscribes now to the statement which I made

on the floor of the Senate yesterday, or I assume that is what he subscribes to by his "single word," that unless the word "medicant" is changed to "medicament," the passage of the bill will make it impossible for any manufacturer in Maine to secure alcohol for manufacturing purposes. There are numerous other cases in the bill where, if it were to be enacted, the language should be straightened out, and to mention only one, there is a provision in the bill,—I cannot remember the section,—which provides that in case a license is forfeited by death or by the dissolution of a partnership or corporation, that in case it results from death, the liquor on hand shall be impounded, but the statute is absolutely silent on what shall happen on the license of a partnership which is dissolved and leaves a stock of liquor on hand.

I do not know how long the Maine legislature should be expected to remain in session and all of us kept away from our homes while we are rewriting a bill which can, if it is passed, accomplish no purpose other than to vest in the druggists and the doctors of the State of Maine a liquor monopoly, a monopoly which a lobby in subsequent sessions of the Maine legislature will come back here and fight to retain.

The Senator from Penobscot, Senator Weatherbee, says that we should not show our incapacity to enact a medicinal liquor bill, and I say to you, Mr. President and to members of the Senate, that it is those who are sponsoring this bill that have made it impossible for us to write a medicinal bill. This bill is in far better shape in one respect than when it came into the Senate the last time because now practically all pretense that it is a medicinal liquor bill has been abandoned. As the bill was originally written, the availability of liquor in every village, hamlet and town in the State of Maine was forced down the throats of the people in those villages, hamlets and towns unless by proper petition they excluded the liquor and then it could be forced upon them by prescription. Those sections have been stricken out and the provision now is that a man write his own prescription by paying \$1.00 for a card and on that card he will get one quart a week, and if that isn't

sufficient for his thirst, then he goes to a doctor and what does he get? A certificate. The act sets up no form of certificate. It tells nothing about what the doctor is to say, but it does have one very illuminating provision. It must finally, before he can get more than a quart, be passed upon by the beer board. That may be very handy for the people in Augusta to get certificates and go to the beer board and get their approval and then go to the druggist and get the liquor, but it won't be very handy in Cumberland County or York County, or in any county far removed from the seat of government.

We are down to the sole issue that has been before this legislature on the rum question since we convened. Are we going to write on the statute books a law that is absolutely at variance with the Constitution of the State of Maine which prohibits the sale of liquor for any purpose other than medicinal, mechanical, and the arts? This one provides it for personal use without any reference to medicine until the first quart every week has been consumed.

So far as I am concerned, I would like to see us go back to our homes, instead of staying here until sometime tomorrow, but I want to assure you that if my voice holds out, we will be here tomorrow if we try to pass this bill.

Mr. WEATHERBEE: Mr. President, we have heard from the distinguished Senator from Washington (Senator Murchie) that he proposes to talk this bill to death. He proposes to talk so long that you will get so weary of hearing him that you will want to go home before you pass the bill. But don't any of you start before you pass the bill. You may be weary, but let's wait and pass the bill. I am somewhat weary of the quibbling I have listened to over this bill, but it is very interesting to note that all the quibbling comes from those who don't want to pass any medicinal bill. They want to go home without having given the people any opportunity to get medicinal liquor legally in the State of Maine, and they try to make you believe that this bill is designed and passed especially for the druggist. We assumed that we were enacting a measure that would permit the people of Maine to get alcoholic liquors legally for medicinal purposes. I believe

this bill accomplishes it and it doesn't make any difference to me about these non-essentials. Many of these insignificant objections can be taken care of by the Board which is to make rules and regulations. I do not care for that one word, but I am not at all worried as to what may become of the liquors that some corporation might have in the event that corporation could possibly, somehow, for some reason or other, become dissolved, with a lot of goods on hand. That doesn't very often happen. They get rid of their property and divide the assets before they dissolve. That is worse than the wolf, the fear that a corporation is to become suddenly dissolved, as if lightening from Heaven would strike it and they would have some liquor on hand and no one would know what to do with it because there is no provision in the bill. That isn't very important, neither is it important whether the commas are made similarly in this bill, each of the same shape, each with the same color and with the same pressure. There are a lot of little things like that which might happen but which will not destroy the grand purpose that we have in mind.

Let's brush those trivial things aside, and don't be afraid of the Senator from Washington (Senator Murchie) talking all night long and all day tomorrow, because if necessary, we can have an order in here to enable the gentleman to take a rest before he has wearied himself too much.

Mr. LITTLEFIELD of York: Mr. President, as the Senators have said, we have been here for three weeks trying to get this very bill. Now, some of you may think that it is peculiar, the stand I take on this bill, but before, we didn't have to vote on the bill. It was all done by the gavel but if it had come to a vote I certainly should have voted for the druggists to have control of this liquor. I think the way it is left now the Senate should pass this bill to be engrossed and if the House wishes it to finally pass they can do so. Now, I know some of you will say that I am passing the buck, but I am not. I did think a drug store was the place to put this liquor. I have more faith in the druggists than to think that they would go into rum business. Now they have got so many amendments attached here, it is encum-

bered up with so much clutter that I really don't know what to do, but if I am put to this to vote one way or the other here I shall vote for the druggists to handle this liquor. On the other hand, I think we should vote to pass this bill to be engrossed and send it back to the House and see what they will do with it.

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

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Holman, that the bill be indefinitely postponed.

A viva voce vote being had

The motion to indefinitely postponed did not prevail.

Mr. WEATHERBEE: I ask for a division.

The PRESIDENT: The Chair will state that the motion to indefinitely postpone failed.

Mr. WEATHERBEE: Oh, it wasn't indefinitely postponed?

The PRESIDENT: That is as the Chair understands it. The Senate has not yet acted on Senate Amendment "E" as amended by Senate Amendment "A" to Senate Amendment "E".

Thereupon, the Senate voted to reconsider its action taken earlier in today's session whereby Senate Amendment "E" amended by Senate Amendment "A" to Senate Amendment "E" was adopted. Senate Amendment "E" as amended was indefinitely postponed in concurrence; and the bill as amended by House Amendment "A" as amended by House Amendment "A" thereto, and as further amended by House Amendment "B" and House Amendment "I" was passed to be engrossed in concurrence.

On motion by Mr. Littlefield of York

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

#### After Recess

The Senate was called to order by the President.

#### (Emergency Measure) (Out of Order)

An Act to correct an error in date in an Act entitled 'An Act to amend an act to redraft the Charter of the City of Biddeford' passed at this

December 1933 Special Session.' (S. P. 80)

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate was passed to be enacted.

#### Passed to be enacted (Out of Order)

Bill "An Act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts." (H. P. 156, L. D. 199)

Came from the House having failed of passage and indefinitely postponed.

In the Senate:

Mr. ABBOTT of York: Mr. President, I move that we concur with the House in the indefinite postponement of this bill.

Mr. BLAISDELL of Hancock: Mr. President, last September, a year ago, we were all elected as members of the 86th Legislature. Since that time there has been a constitutional vote taken in the State and eighty delegates were elected to the Constitutional Convention which has been held since we were called here, and there was a unanimous vote for repeal of the eighteenth Amendment. It has been my purpose during this special session to express by my words and by my actions as near as I might the reaction that I gained from the public opinion as I was able to interpret it. The question of interpreting public opinion has proven very disastrous to some of our greatest men in very recent times. President Hoover in his campaign for re-election to the presidency of the United States, took one attitude in interpretation of the public sentiment of the people of the United States and President Roosevelt took another attitude in the interpretation of the sentiment of the people of the United States. One of those men, President Hoover, as you all know, delivered some of the most magnificent, deep and well thought-out addresses that have ever been delivered on any political platform. While our present President delivered his addresses in terse, well-formed manner but he delivered them so that the common people were able to understand exactly what he meant. In other words, he said, "I will give you beer as soon as I can," and every man who carried a dinner pail in the United States knew exactly what

Mr. Roosevelt meant. Mr. Hoover in his addresses was so deep that the average citizen didn't know what he was driving at.

That brings me to the point that since then there has been a complete social revolution. People are not thinking today the way they were thinking a year ago today and so for that reason I interpret the public sentiment of the people of my county and my state that there should be radical changes made in the liquor laws of this state. But since coming here and working diligently for them with the members of my own party as well as with members of the opposite party I have felt greatly distressed at the constant and apparent lack of leadership. I have been greatly distressed to think that support was not coming our way in a way that would enable us to carry out what I interpret as being the will of the people. I resent very much, I think, the fact that in the closing days of this Legislature I should find myself with friends whom I have stood by and worked by gradually slipping away from the purpose we were working for.

I wish to express my own conviction now and finally that with a clear conscience I shall take back to the people who sent me, whose servant I am and not their master, the fact that I did my best to interpret their will and give them what I thought they wanted, but I cannot account for the sudden loss of support from friends whom we had so nobly stood by.

I have delivered myself, Mr. President, on the attitude of public sentiment and my attitude, and I hope that the will of the people will bear out my remarks here tonight.

Mr. WEATHERBEE of Penobscot: Mr. President, I have known for several days that our patient was in a precarious condition. I have just learned from the House that our "Bill" is dead. It is beyond the power of this Senate to give it new life. All we can do now is to give it a decent burial.

Mr. VILES of Kennebec: Mr. President, I cannot in fairness to myself and in fairness to many members of this Senate allow this special session of the Legislature to close without going on record to the effect that we have desired to support a measure that would provide

good liquor at reasonable prices to the citizens of the State of Maine for medicinal and mechanical purposes and the arts as designated in the Constitution of the State. Such a measure would automatically provide a revenue to the State at this time when it is so much needed. In other words, the failure of the Legislature to enact a measure to provide legislation as provided by the Constitution of Maine is not the fault of this Senate. Had such a measure been enacted by the Legislature the citizens of Maine, the people of this State, could procure liquor of good quality at a reasonable price for its proper use.

I regret that such an act would fail but desire to make myself absolutely clear that it was no fault of mine nor of those other members of the Senate who favored such a measure. We are departing without having enacted proper legislation. The result is that we are making of Maine the paradise for the bootlegger. We are criticised in a press article of today for failing to enact additional tax measures but if I read the will of the people of Maine correctly they are in no mood for further taxation. Rather are they desirous of rigid economy in State expenditures. Enactment of liquor legislation such as I have referred to would have produced revenue. In the absence of such legislation rigid economy must be practiced, and later I shall offer an order which I hope will have passage.

Mr. BISSETT of Cumberland: I arise, Mr. President and members of the Senate, to say that I think the people of Maine and of my constituency have asked for liquor in some form for medicinal and mechanical purposes and the arts, and as a member of this Senate and as a member of the Temperance Committee hearing all bills properly referable to it I have worked faithfully and honestly in that belief, that the people of this State should have good liquor for medicinal and mechanical purposes and the arts.

Mr. SCHNURLE of Cumberland: Mr. President, I simply desire without taking up too much time before this honorable body and the assembled members of the most honorable House, to place myself on record as being one of those who has tried hard to work out some legislation that I believe the people

of the State of Maine want in regard to liquor. Apparently we have failed in our efforts but I am going to make a prediction, if I may, that when we come back here at our next special session we will have heard once more the views of the people and we will be mighty glad to enact such legislation.

Mr. McDONALD of Washington: Mr. President and members of the Senate, as a member of the minority party I wish to state that we have done the best that we could to give the people what we believe to be honest legislation along the lines of medicinal liquor. And now that the bill is dead I wish to be considered one of the pall-bearers at the funeral.

Mr. SEAVEY of Oxford: Mr. President, I am also a member of that minority party and I have been ready at any time when a measure was put before this body to give the state a little revenue, and also make an honest effort to cut out this boot-legging here in the State of Maine, to support it. And I think I can say without any hesitation that every member of my party in this Legislature has stood ready to do that at all times and to back that bill a hundred per cent. But unfortunately we have not had the opportunity to do it successfully due to the fact that we are not able to muster fifty per cent of the majority party in this legislation to enable us to put the bill across.

Mr. HARMON of Hancock: Mr. President, I wish to say that since the inception of this bill I have worked consistently for its passage because I believed that my constituency wished me to work for this measure. I am sorry to see it go down and not be passed and I believe that when another Legislature convenes we will be asked to pass legislation along those lines and that it will be the necessary course for us to take.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Abbott, that we concur with the House in the indefinite postponement of this bill. The pall-bearers having all spoken, the Chair will assume that it is a vote—

Mr. TOWLE of Kennebec: Just a minute Mr. President; there is one who has not spoken. I want to place myself also on record as being in

favor of that bill and doing everything I could to pass it.

Mr. SCHNURLE: Mr. President, I am afraid that there may be a chance that all the pall-bearers have not spoken and I therefore ask that when the vote is taken it be taken by the Yeas and Nays so that they may all speak.

The PRESIDENT: The Senator from Cumberland, Senator Schnurle, asks that when the vote is taken it be taken by the Yeas and Nays. As many as desire that the Yeas and Nays be ordered will rise and stand in their places until counted. A sufficient number have risen the Yeas and Nays are ordered.

The question is on the motion of the Senator from York, Senator Abbott, that this bill be indefinitely postponed in concurrence.

Those in favor of the motion to indefinitely postpone will answer Yes when their names are called. Those opposed will answer No. The Secretary will call the roll.

The Assistant Secretary called the roll.

YEA—Abbott, Angell, Farnsworth, Gay, Hathaway, Andrew Jackson, Kitchen, Littlefield, McLoon, Story, Weymouth—11.

NAY—Bartlett, Bissett, Blaisdell, Cooper, Fernandez, Harmon, Holman, N. Gratz Jackson, McDonald, Pillsbury, Robie, Schnurle, Seavey, Towle, Viles, Weatherbee, Weeks, Winn—18.

Eleven having voted in the affirmative and eighteen in the negative the motion to indefinitely postpone did not prevail.

Mr. WEATHERBEE: Mr. President and members of the Senate, we have gone upon record here in the Senate as in favor of a medicinal liquor bill but we realize that it is now impossible for this Legislature to enact such a bill without several days of further delay. That does not seem to be expedient. To my mind it would be far better that the question be now terminated so that it may again arise at the special session to be held probably in two months. So, as one who voted "No" I move now that we reconsider the vote whereby the motion was defeated.

Mr. McDONALD of Washington: Mr. President, I wish to second the motion of the Senator from Penobscot, Senator Weatherbee.

The PRESIDENT: The Senator from Penobscot, Senator Weather-

bee, moves that the Senate reconsider its action whereby it rejected the motion to indefinitely postpone, and the Senator from Washington, Senator McDonald, seconds that motion. Is this the pleasure of the Senate.

The motion to reconsider prevailed.

Thereupon, the bill was indefinitely postponed in concurrence.

Mr. VILES of Kennebec: Mr. President, I move that the flowers left over from the funeral be presented to our illustrious floor leader, the Senator from Somerset, Senator Weeks.

Mr. VILES of Kennebec: Mr. President, I now have an order which I wish to present and move its passage.

The PRESIDENT: The Senator from Kennebec, Senator Viles moves that the rules be suspended that he may present an order out of order.

The Assistant Secretary read the order:

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

Thereupon, the order received passage.

The PRESIDENT: The Chair will state before we proceed to the closing business that he had the pleasure tonight of having a telephone conversation with our Secretary, Royden Brown, and while he has not recovered by any means he was able to telephone and is much better and reasonably comfortable. He wished to send his very warmest regards to each and every member of the Senate and to each officer and employee of the Senate. I feel sure that he also wished to include the whole Legislature, because he is known by all of you.

The Assistant Secretary asked me to advise the Senate that in accordance with the motion of the Senator from Aroostook, Senator Kitchen, earlier this week he has transmitted a letter to our Secretary extending the best wishes of the Senate.

On motion by Mr. Weeks of Somerset

ORDERED, that a message be sent to the House of Representatives, informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Which was read and passed.

The President appointed Mr. Weeks of Somerset to convey the message.

Subsequently, the same Senator reported that he had delivered the message with which he was charged.

Subsequently a message was received from the House of Representatives by Mr. Scates of Westbrook that that body had transacted all the business before it, and was ready to adjourn without day.

On motion by Mr. Farnsworth of Aroostook

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon his Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communications he may be pleased to make.

Which was read and passed.

Sent down for concurrence.

The Chair appointed on the part of the Senate

Senators:  
FARNSWORTH of Aroostook  
SCHNURLE of Cumberland  
BARTLETT of Oxford.

Subsequently the foregoing order came back from the House read and passed in concurrence, the Speaker having joined on the part of that branch

Representatives:

HOBBS of Hope  
EASTMAN of Farmingdale  
FRIEND of Skowhegan  
WEBBER of Auburn  
RAY of Lagrange  
WARD of Thorndike  
MASON of Raymond.

The Committee retired, and subsequently Mr. Farnsworth for the Committee reported that the Committee had delivered the message with which it was charged, and that the Governor was pleased to state that he had no communication to make, except such communication as he would make through the Secretary of State.

Then appeared the Secretary of State, transmitting the following communication from the Governor.



Office of the Governor  
December 20, 1933  
To the President of the Senate  
and the Speaker of the House of  
Representatives:

I herewith transmit a list of the  
acts and resolves passed by the pre-  
sent Legislature at the special ses-  
sion. I have approved a total of 64  
acts and 12 resolves.

Respectfully submitted,

LOUIS J. BRANN,  
Governor.

Which was read and ordered  
placed on file.

Sent down for concurrence.

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On motion by Mr. McDonald of  
Washington at 10:57 o'clock on  
Wednesday evening, December 20th,  
1933, Harold H. Murchie, President,  
declared December special session of  
the 86th Legislature adjourned  
without day.