

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, November 6, 1934

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, November 9, 1934.

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

Prayer by the Rev. Mr. Wood of Augusta.

Journal of the previous session read and approved.

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

Ordered, that the Clerk be instructed to send a telegram to Honorable Edgar E. Rounds, member from Portland, expressing the sympathy of the members and their hope for a speedy recovery.

The order received passage.

From the Senate: The following order:

Ordered, The House concurring, notwithstanding the adoption of the following joint order—"Ordered, the House concurring, that all bills introduced during the present session be limited to those pertaining to intoxicating liquors, that all such bills be in the office of the Secretary of the Senate or Clerk of the House not later than five P. M. November 6, 1934 * * *" that this special session of the Legislature receive and act upon bill entitled "An Act for the protection of cattle from 'Bang's Disease.'"

Comes from the Senate read and passed.

In the House:

Mr. LORD of Lebanon: Mr. Speaker and members of the House: Perhaps the far-reaching ramifications and effects of this bill are not entirely understood by you, and I will be as brief as possible in what I have to say.

Bang's disease is one of the most insidious diseases that the cattle owners and dairymen of the State of Maine have to contend with today. It is very contagious and its control is entirely dependent upon the tests held through the State Laboratory here. From an economic standpoint it is doing much to put the dairymen of the State out of business. This disease has been studied for years by the Federal Department of Agriculture, and that Department has devoted much time to its study and experimentation. Not only is production reduced very much in the State but

our sales of cattle from this State I find on talking with our Cattle Commissioner have averaged about 10,000 a year until this disease became prevalent, but because of inaction and no attempt being made to apply this blood test generally in the State, I find that our sales have fallen off rapidly.

This bill, if introduced, now makes available some \$19,000 allotted by the Federal government to this State. If it begins this work, it will have the cooperation of the Federal authorities, and there is only needed a gesture from this Legislature to make it available almost at once.

I assure you that there is nothing here but what the most conservative member of this House can get back of and give it his hearty support. I know it is asking considerable to bring this matter up at this time when we are overwhelmed with other things, but let me assure you that the urgency is great. Our Health Department is receiving more and more complaints right along from every part of the State from drinking milk of diseased cattle which brings on fever and other things. I think it almost imperative that it should be given your serious consideration. I appreciate very much your patience and kindness in letting me present this matter.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to ask the gentleman from Lebanon (Mr. Lord) whether there is \$19,000 available from the Federal Government if we pass this bill.

The SPEAKER: The gentleman from Lebanon, Mr. Lord, may answer the question if he sees fit.

Mr. LORD: I understand that there is, and possibly more than that, as soon as we make some gesture of cooperation with them. I think it is necessary that our Department of Agriculture have some legislative action in order that the matter may be properly set up.

Thereupon the order was passed in concurrence.

Paper from the Senate disposed of in concurrence.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the order introduced yesterday by the gentleman from Bruns-

wick, Mr. Lebel, providing for an investigation of conditions at the State Prison at Thomaston, tabled by that gentleman and specially assigned for this morning; and the Chair recognizes Mr. Lebel.

Mr. LEBEL: Mr. Speaker and members of the House: This order needs no explanation. So far as I am concerned, the order has served its purpose. I have put the matter before you and it has been brought to the attention of the entire State. You know what the conditions are and many people outside are saying that something should be done. Mr. Speaker, I will not even make a motion. The matter is before you and it is up to the House.

On motion by Mr. Farris of Augusta, the order was indefinitely postponed.

RECESS

Reports of Committees

(Out of order)

Mr. Stover from the Committee on Temperance reported ought not to pass on bill an act authorizing the manufacture and sale of intoxicating liquor, H. P. 3, L. D. 4.

Tabled by Mr. Farris of Augusta, pending acceptance of report and specially assigned for later in the day.

Mr. Littlefield from the Committee on Temperance reported ought not to pass on bill an act to regulate the traffic in intoxicating liquor, H. P. 5, L. D. 3.

Tabled by Mr. Farris of Augusta, pending acceptance of report and specially assigned for later in the day.

Mr. Tompkins from the Committee on Temperance reported ought not to pass on bill an act relating to the regulation and control of the manufacture and sale of intoxicating beverages, H. P. 9, L. D. 6.

Tabled by Mr. Breen of Lewiston, pending acceptance of report and specially assigned for later in the day.

Majority report of the Committee on Temperance reporting ought to pass on bill an act relating to advertising of liquors for sale, H. P. 4, L. D. 2.

Report was signed by the following members:

Messrs. Bissett of Cumberland
McDonald of Washington
Farnsworth of Aroostook
—of the Senate.
Mrs. Carter of Fairfield

Messrs. Hobbs of Hope
Littlefield of Alfred
Stover of Pownal

—of the House.

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following member:

Mr. Tompkins of Bridgewater
—of the House.

Mr. GOUDY of South Portland: Mr. Speaker, I move that the majority report, ought to pass, be accepted.

Mr. HILLS of Northport: Mr. Speaker, owing to the absence of the member who signed the minority report, I move that both reports be tabled, the pending question being the acceptance of the majority report, ought to pass, until later in the day.

The motion prevailed.

RECESS

Papers from the Senate, out of order and under suspension of the rules:

From the Senate: Bill an act for the protection of cattle from Bang's disease, S. P. 4.

Comes from the Senate received pursuant to Joint Order, under suspension of the rules, given its several readings, without reference to a committee and passed to be engrossed.

In the House, on motion by Mr. Lord of Lebanon, the bill was received out of order, under suspension of the rules, given its three several readings, without reference to a committee, and passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Temperance reporting ought not to pass on bill an act to promote temperance in the use of alcoholic beverages and to control, license and regulate the manufacture, purchase and sale of alcoholic beverages and alcohol within the State and providing for local option in cities and towns, S. P. 1.

Comes from the Senate read and accepted.

In the House:

The SPEAKER: This bill was the one introduced at the last special session by the gentleman from Augusta, Mr. Hussey, and it was referred to this Special Session. Is it the pleasure of the House to accept the report in concurrence

On motion by Mr. Hussey of Augusta, the bill and accompanying reports tabled until later in the session, the pending question being the acceptance of the ought not to pass report of the committee in concurrence.

Paper from the Senate disposed of in concurrence.

Reports of Committees (Out of Order)

Mr. Leathers from the committee on Temperance reported ought not to pass on bill an act to authorize and regulate the manufacture, transportation and sale of intoxicating liquors, H. P. 8, L. D. 7.

Tabled by Mr. Goudy of South Portland, pending acceptance of the report and specially assigned for later in the day.

Majority report of the committee on Temperance on bill an act to provide for the control and regulation of intoxicating liquor, H. P. 6, L. D. 5, reporting same in a new draft H. P. 11 under the same title and that it ought to pass.

Report was signed by the following members:

Messrs. Bissett of Cumberland
McDonald of Washington
—of the Senate.
Bucknam of Portland
Littlefield of Alfred
Leathers of Hermon
Stover of Pownal
Hobbs of Hope
Mrs. Carter of Fairfield
—of the House.

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. Farnsworth of Aroostook
—of the Senate.
Tompkins of Bridgewater
—of the House.

Mr. HUSSEY of Augusta: Mr. Speaker, I move that these reports lie on the table until the afternoon session, pending acceptance of either report, and that 1000 copies of the new draft be printed.

Mr. CARLETON of Portland: Mr. Speaker, would it not be better to merely have the changes printed and not the whole bill in order to expedite printing?

Mr. SCATES of Westbrook: Mr. Speaker, it seems to me it would be advisable to have the whole bill printed so that we may know exactly what it is.

The SPEAKER: Is it the pleasure

of the House that the motion of the gentleman from Augusta, Mr. Hussey, have passage?

A viva voce being taken, the motion prevailed.

Majority report of the Committee on Temperance reporting ought not to pass on bill an act to regulate the sale of intoxicating liquor, H. P. 7, L. D. 8.

Report was signed by the following members:

Messrs. McDonald of Washington
Bissett of Cumberland
—of the Senate.
Leathers of Hermon
Hobbs of Hope
Littlefield of Alfred
Bucknam of Portland
Stover of Pownal
Mrs. Carter of Fairfield
—of the House.

Minority report of same committee reporting ought to pass on same bill.

Report was signed by the following members:

Mr. Farnsworth
—of the Senate.
Mr. Tompkins of Bridgewater
—of the House.

On motion by Mr. Tupper of Calais, both reports tabled, pending acceptance of either, and specially assigned for later in the day.

On motion by Mr. Boyle of Sumner,

The House recessed until 4 P. M.

AFTERNOON SESSION

The Speaker in the Chair.

Passed to Be Enacted

(Out of order)

(Emergency Measure)

S. P. 4: An act for the protection of cattle from Bang's Disease.

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

A division being had,

One hundred and sixteen voting in the affirmative, and none in the negative, the bill was passed to be enacted.

The SPEAKER: You will find on your desks the House Calendar which has been prepared by the

Clerk, showing the bills which we considered this morning and which were tabled and specially assigned for this afternoon.

Proceeding under Orders of the Day, the Chair lays before the House the first matter so tabled and assigned, being House report ought not to pass of the committee on Temperance on bill an act authorizing the manufacture and sale of intoxicating liquor (H. P. 3, L. D. 4), tabled this morning by the gentleman from Augusta, Mr. Farris, the pending question being the acceptance of the report of the committee; and the Chair recognizes the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I move that this bill be tabled until action is taken on some of these other bills.

The motion prevailed, and the report and accompanying bill were retabled.

The SPEAKER: The Chair lays before the House the second matter tabled and specially assigned for this afternoon, House report ought not to pass of the committee on Temperance on bill an act to regulate the traffic in intoxicating liquor, H. P. 5, L. D. 3, tabled this morning by the gentleman from Augusta, Mr. Farris, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. FARRIS: Mr. Speaker, I yield to the author of the bill, Mr. Lebel of Brunswick.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lebel.

On motion by Mr. Lebel the report and accompanying bill were retabled.

The SPEAKER: The Chair now lays before the House the third matter tabled and specially assigned for this afternoon, House Report ought not to pass of the committee on Temperance on bill an act relating to the regulation and control of the manufacture and sale of intoxicating beverages, H. P. 9, L. D. 6, tabled earlier today by the gentleman from Lewiston, Mr. Breen, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BREEN: Mr. Speaker and members of the House: I have been unable to provide for the child and I must now give it Christian burial.

Therefore, I move that the matter be indefinitely postponed.

The SPEAKER: The Chair understands that the gentleman from Lewiston, Mr. Breen, now moves the acceptance of the ought not to pass report of the committee.

The motion prevailed.

The SPEAKER: The Chair now lays before the House the fourth matter tabled and specially assigned on the Calendar, being majority report ought to pass and minority report ought not to pass of the committee on Temperance on bill an act relating to advertising of liquors for sale, H. P. 4, L. D. 2, tabled earlier in the day by the gentleman from Northport, Mr. Hills, pending the motion of the gentleman from South Portland, Mr. Goudy, that the majority report be accepted; and the Chair recognizes the gentleman from Northport, Mr. Hills.

Mr. HILLS: Mr. Speaker, my purpose in tabling these reports was that Mr. Tompkins, who signed the minority report, was absent at the time, and I now yield to that gentleman.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Tompkins.

Mr. TOMPKINS: Mr. Speaker, it was I who signed the minority report, ought not to pass. I realize that to make any talk at this time would be a useless waste of time, and for that reason the defense rests.

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Goudy, that the majority report of the committee be accepted; and the Chair recognizes that gentleman.

Mr. GOUDY: Mr. Speaker, I would like to speak on my motion with permission of the Speaker. As the personnel of the House well knows, the section which I asked the repeal of is a section which prohibits the advertising or publication of any advertising concerning intoxicating liquor, and that prohibition has worked in an unfair degree upon the economic situation, which, of course, interests the State and its citizenry. The outside cities in other States can without fear of punishment send into our midst, and within the boundaries of our State, newspapers and periodicals containing the most magnified and

expensive liquor advertisements, which means, of course, that the publishing houses and the advertising agencies of our sister states are reaping a harvest from the advertising of intoxicating liquor. That, of course, enables other cities to put at work some of their needy citizens, it furnishes their pulp mills with an opportunity to dispose of more paper, it automatically helps out the general condition of other cities and other states. On account of the law which is in force at the present time we are, of course, barred in any way from participating in the large amounts of money that are being spent for advertising purposes. Now I ask you, ladies and gentlemen of this State, if you do not want the State of Maine to have the same advantages and the same opportunities in an economic manner that the other states are enjoying at the present time, they having no law which prohibits them from allowing their publishing houses and advertising agencies to advertise intoxicating liquor, and I have asked in this bill to repeal that Statute. I think that the citizens of the State of Maine are entitled to have you vote to accept the majority report. I think that, due to the fact that we are going to have, I hope, the passage of some liquor measure before we leave here, it will be necessary, perhaps, for liquor advertising to take place within this State. With this law on the Statute books that will be impossible, and the State of Maine would receive absolutely no financial benefit from the large amount of money that is being spent for liquor advertising. I can see no reason why anybody, even my brother Tompkins, should object to the passage of this bill, and I respectfully submit this bill for your consideration, and ask that the majority report, ought to pass, be accepted. (Applause).

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Goudy, that the majority report of the committee, ought to pass, be accepted. Is this the pleasure of the House?

The motion prevailed, and the majority report, ought to pass, was accepted; and on further motion by the same gentleman the rules were suspended, the bill had its three several readings, was passed

to be engrossed, and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fifth matter, Senate report, ought not to pass, of the committee on Temperance, on bill an act to promote temperance in the use of alcoholic beverages and to control, license and regulate the manufacture, purchase and sale of alcoholic beverages and alcohol within the State and providing for local option in cities and towns, S. P. 1, tabled earlier in the day by the gentleman from Augusta, Mr. Hussey, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. HUSSEY: Mr. Speaker, I would like to ask for a continuation of this until a little later on in the session while we take up the seventh matter, tabled by me this morning.

On motion by Mr. Hussey the matter was retabled.

The SPEAKER: The Chair understands that the gentleman from Augusta, Mr. Hussey, now moves to take up, out of order, the seventh matter on the calendar, tabled by him this morning, being majority report, ought to pass in new draft, and minority report, ought not to pass, of the committee on Temperance on bill an act to provide for the control and regulation of intoxicating liquor, H. P. 6, L. D. 5, new draft, H. P. 11, L. D. 10, tabled earlier in the day by the gentleman from Augusta, Mr. Hussey, pending the acceptance of either report; and the Chair recognizes that gentleman.

Mr. HUSSEY: Mr. Speaker, I now move that the majority report be accepted.

Mr. WRIGHT of Bath: Mr. Speaker, I move that the matter lie on the table temporarily, pending the presentation of an amendment which is now in preparation.

The motion prevailed.

The SPEAKER: The Chair now lays before the House the sixth matter, tabled and specially assigned for this afternoon, House report, ought not to pass, of the committee on Temperance on bill an act to authorize and regulate the manufacture, transportation and sale of intoxicating liquors, H. P. 8, L. D. 7, tabled earlier in the day by the gentleman from South

Portland, Mr. Goudy, the pending question being the acceptance of the report; and the Chair recognizes that gentleman.

Mr. GOUDY: Mr. Speaker, as it seems to be the habit this afternoon, I ask that this matter be retabled until later in the day.

The motion prevailed.

The SPEAKER: The Chair now lays before the House the eighth matter on the Calendar, tabled and specially assigned for this afternoon, the majority report, ought not to pass, and the minority report, ought to pass, of the committee on Temperance on bill an act to regulate the sale of intoxicating liquors, H. P. 7, L. D. 8, tabled earlier in the day by the gentleman from Calais, Mr. Tupper, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. TUPPER: Mr. Speaker, I move the acceptance of the minority report, ought to pass, for the purpose of bringing before the House two amendments.

The SPEAKER: The gentleman from Calais, Mr. Tupper, moves the acceptance of the minority report of the committee on Temperance, ought to pass. Is it the pleasure of the House that this measure have passage?

Calls of "No."

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, I was expecting the gentleman from Calais (Mr. Tupper) to argue his motion and I will give way to him.

Mr. TUPPER: Mr. Speaker, I appreciate the courtesy of the gentleman from Westbrook, Mr. Scates. My only reason for wanting the minority report accepted is that I have two amendments to this bill which cover some points and I think that this matter should be brought before the House.

The SPEAKER: The pending question is the motion of the gentleman from Calais, Mr. Tupper, that the minority report, ought to pass, be accepted.

Mr. SCATES: Mr. Speaker and members of the House: As I understand it this bill, L. D. 8, is an exact contravention of L. D. 5. The committee has reported by a majority report that L. D. No. 5 be passed and that L. D. No. 8 be killed, as you might say. Now if you should pass L. D. No. 8, you have

killed L. D. No. 5, and there would be nothing else to do. You cannot pass both of them because one is directly opposed to the other; so the only thing to do that I can see is to kill the minority report. Then if anything comes up in connection with L. D. No. 5 that is contained in this L. D. No. 8, you can offer it as amendments.

The SPEAKER: All those in favor of the motion of the gentleman from Calais, Mr. Tupper—

Miss LAUGHLIN of Portland: Mr. Speaker, we have been waiting here from one o'clock to four, and now by a subterfuge of waiting for another amendment there is this endeavor to table L. D. No. 8, so I move that this matter lie on the table until the amendments can be prepared to Document No. 8 and thereby put it in the same place we have put No. 5.

Mr. TUPPER: Mr. Speaker—

The SPEAKER: The pending question is the motion to table which is not debatable. The pending motion is the motion made by the member from Portland, Miss Laughlin, that both reports lie on the table pending acceptance of either, the pending question being the motion of the gentleman from Calais, Mr. Tupper, to accept the minority report. Is this the pleasure of the House?

Calls of "No, No."

The SPEAKER: In view of the fact that it is apparently going to be necessary to take a rising vote, will all those people who are not members of the House and who are sitting in the members' seats, retire to some other part of the hall? It is difficult enough to take these votes in any event. The pending question is the motion of the member from Portland, Miss Laughlin, that both reports lie on the table, pending acceptance of either.

Miss LAUGHLIN: Mr. Speaker, for the purpose of preparation of amendments, I think the same courtesy should be accorded in this matter as those that have gone before. I think that should be a part of my motion to lie upon the table, pending the preparation of the amendments, which are to be offered to it.

Mr. HILL of South Portland: Mr. Speaker—

The SPEAKER: The motion before the House is not debatable. The pending question is the motion of the member from Portland, Miss

Laughlin, that both reports lie on the table until amendments suggested to L. D. No. 5 have been offered and acted upon, the pending question being the motion of the gentleman from Calais, Mr. Tupper, to accept the minority report.

Mr. SCATES: Mr. Speaker, may I ask a parliamentary question?

The SPEAKER: You may ask the question.

Mr. SCATES: Can a bill be amended until the report has been accepted?

The SPEAKER: It is a rule of this House that a bill is not amendable until it has had its first two readings.

Miss LAUGHLIN: That is not the point, Mr. Speaker. The motion that was carried—

The SPEAKER: The Chair will not permit any further debate on the motion. The motion is not debatable.

Mr. SCATES: Another parliamentary question, Mr. Speaker.

The SPEAKER: The Chair cannot entertain any more questions of this nature.

Mr. SCATES: Cannot I ask a parliamentary question?

The SPEAKER: No, not of that type.

Mr. SCATES: This is the first time I was ever denied the privilege of asking a parliamentary question, Mr. Speaker.

The SPEAKER: Is the question clear? The member from Portland, Miss Laughlin, has made a motion that both reports lie on the table, pending the offering and action upon amendment to L. D. No. 5. All those in favor of the motion will rise and stand until counted, and the monitors will make and return the count.

Mr. CROWELL of Weston: Mr. Speaker, would it be possible to have the motion repeated?

Miss LAUGHLIN: Mr. Speaker, in announcing that you said amendments to No. 5. It is possible someone may be misled here. We have already, as I understand it, passed a motion to table No. 5.

The SPEAKER: The Chair understands that the member from Portland, Miss Laughlin, withdraws her motion to table. The Chair wants to get this matter in such a position that it can be discussed. The Chair now recognizes the gentleman from Westbrook, Mr. Scates. Let us clear up the parlia-

mentary questions and try to proceed according to the Rules of the House.

Mr. SCATES: I do not know exactly what position I am in. (Laughter)

The SPEAKER: If there is no further discussion the Chair understands that the member from Portland, Miss Laughlin, renews her motion.

Miss LAUGHLIN: No, I do not. I did not withdraw it as we had already voted to table No. 5, pending amendments.

The SPEAKER: That is correct.

Miss LAUGHLIN: My motion was to table No. 8, pending amendments since the gentleman who introduced it says that he has amendments to offer. When the vote was taken, I understood it was something about No. 5 and I was simply asking the Speaker to clarify it. My motion was just the same motion that we have already passed in regard to another one to give a chance to amend.

The SPEAKER: The Chair understands, that the member from Portland, now moves that both reports lie on the table, the pending question being the motion of the gentleman from Calais, Mr. Tupper, to accept the minority report. All those in favor of the motion will rise and stand until counted and the monitors will make and return the count.

Mr. SCATES: Just a moment, Mr. Speaker! As I understand the Chair, the motion of Miss Laughlin was to table both L. D. 5 and L. D. 8.

The SPEAKER: No, it was not. L. D. 5 was tabled some moments ago and is not involved in this discussion. The Chair tried to put this motion as simply as it could so that there would be no misunderstanding. The Chair understands that the member from Portland, Miss Laughlin, moves that both reports lie on the table, the pending question being the motion of the gentleman from Calais, Mr. Tupper, to accept the minority report. All those in favor of the motion of the member from Portland, Miss Laughlin, will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House being had Twenty-two voting in the affirmative and 74 in the negative, the motion failed of passage.

The SPEAKER: The pending question now is the motion of the gentleman from Calais, Mr. Tupper,

that the minority report, ought to pass, be accepted.

A viva voce vote was doubted.

Mr. SCATES: Mr. Speaker, is not the question debatable?

The SPEAKER: The vote was declared and was doubted, and the matter is debatable again if anyone cares to discuss it. The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. HUSSEY of Augusta: Mr. Speaker—

Mr. SCATES: I give way, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hussey.

Mr. HUSSEY: Mr. Speaker, I move that the bill lie on the table and in the meantime I will explain my position.

The SPEAKER: Let's try to proceed regularly. A motion to table is not debatable. The Chair understands that the gentleman from Augusta, Mr. Hussey, withdraws his motion, and the pending question is the motion of the gentleman from Calais, Mr. Tupper, to accept the minority report. You may speak on that if you care to.

Mr. SCATES: Mr. Speaker, I do not care especially to speak upon this question because it is not my bill. I am not particularly interested in it, but a bill of such importance as this, and a report of such importance, where it is connected with another bill of like importance, surely should receive some consideration from the members of this House and some explanation should be given, and the proponents of that bill should say why they want the report accepted and not try to put something over here. I am perfectly willing to discuss this matter now and dispose of this bill. I want a discussion of it and it is pretty hard work for me, or anybody else, to fight a man of straw, that is all it is; and if those people believe in it why don't they get up and say so? Don't hide under a bushel. If you believe in the bill, get up and tell the Legislature and tell the State that you are in favor of it. Are you afraid? I am not afraid to defend my position on any bill, and I am not afraid to say why I vote for it and why I do not. I am perfectly willing to tell the Legislature of this State, and the people of this State, why I do it. I do not like to fight a man of straw and so I will say this at the present time; I have no real objection to the

bill lying on the table. I want to discuss these two bills in a fair, square and honest manner. If anybody wants to play sharp tricks here, I am willing to meet them. Likewise, if they want to play square I am willing to meet them whether I win or whether I lose, only I want to know which one I am fighting. By the way, I did not intend when I came down here to this Legislature to get mixed up in any way, shape or manner in this rum business. That is what is is,—rum business. I do not like it. Rum and politics can never mix. Certain things have transpired, however, that have entirely changed my attitude in regard to the matter. I realize and believe that the majority of this House are honest. I believe that they all want to do what we consider for the best interests of the State of Maine and for the best interests of humanity and society. We may not all agree upon that question any more than we agree on religious matters. The only thing for us to do is to approach the matter in a non-political way and try to work out something that will satisfy the people of this State in view of the prevailing sentiment of the State, and do what is the best for the State and for society.

I do not know that I have any objection to allowing this bill to lie on the table,—none whatever. All I want is a square, fair and open discussion and vote on the matter, and if the lady from Portland, (Miss Laughlin) or the gentleman from Calais, (Mr. Tupper) or any other man or member wants to table the matter for future consideration, I have no objection; only when that matter comes up for a vote on the acceptance of the report, I shall vote against it because I am in favor of L. D. No. 10. You cannot have L. D. No. 10 and L. D. No. 8 because they are diametrically opposed to each other. That is all I have to say, Mr. Speaker.

Mr. HUSSEY of Augusta: Mr. Speaker, there are several objections I would like to raise to L. D. 8, but before going into them I would like to go into a little preliminary explanation. We have the bill formerly No. 5, now No. 10 that was brought before the House this afternoon, and by a little strategy on the part of the opposition it was tabled,—the majority report. Now this bill No. 8 has been brought up and has only the minority report

to its advantage, and yet they are trying to use that to push it through but I think that both should be given the same show. Mr. Speaker, could this be laid on the table at this time, this bill No. 8?

The SPEAKER: A motion to table the report was once made and defeated. The Chair will permit the motion to be renewed if there is no objection. The Chair recognizes the gentleman from So. Portland, Mr. Hill.

Mr. HUSSEY: Mr. Speaker, is the motion to table debatable?

The SPEAKER: It is not, never. There being no other motion before the House, the pending question is the motion of the gentleman from Calais, Mr. Tupper, that the minority report, ought to pass, be accepted.

Mr. HILL of South Portland: Mr. Speaker and members of the House: The gentleman from Calais (Mr. Tupper) has stated that he has here proposed amendments to L. D. No. 8 which he wishes to offer. If I correctly understand the Rules of the House those amendments cannot be offered and submitted to the consideration of the assembly until the report of the committee has been accepted and the bill has had its first two readings. Now the gentleman from Westbrook (Mr. Scates) says that he wishes to be fair and square and have everything honestly and openly discussed before the House, and it is for that purpose, I believe, that the gentleman from Calais (Mr. Tupper) wishes to have the report of the committee accepted so that his amendments can be put before this body and fairly and squarely and honestly discussed. I hope that his motion will prevail.

The SPEAKER: The pending question is still the motion of the gentleman from Calais, Mr. Tupper, that the minority report of the committee, ought to pass, be accepted.

Mr. SCATES: Mr. Speaker, I shall vote against that as I do against the acceptance ordinarily of minority reports. I think the committee has gone over the matter and they are the judges. The matter has been turned over to them to consider, and they have voted that the bill ought not to pass. Now I am going to support the committee.

The SPEAKER: The pending question is the motion made by the gentleman from Calais, Mr. Tupper, to accept the minority report, ought to pass. All those in favor of the

motion will say aye, contrary-minded, no.

A viva voce vote being doubted, A division of the House was had, Seventy-seven voting in the affirmative and 49 in the negative the motion prevailed and the minority report was accepted.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Tupper.

On motion by Mr. Tupper, the rules were suspended and the bill had its two several readings.

Mr. TUPPER: Mr. Speaker, I now offer House Amendment A and move its adoption.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to Legislative Document No. 8.

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

"The state liquor commission is hereby created as a bipartisan board and shall consist of two members to be appointed by the Governor, with the advice and consent of the council, to serve for terms of two and three years respectively under their original appointment. Not more than one of the members of the commission shall be selected from any one political party.

Any vacancy occurring in said commission shall be filled by appointment as aforesaid for the unexpired term and re-appointments shall be for terms of three years each. The commission shall adopt and have a seal; shall be provided with an office in which its records shall be kept."

Mr. SCATES of Westbrook: Now, Mr. Speaker, I am going to ask the same courtesy that has been accorded so frequently. I ask that this matter be tabled at this time because I want to look into this amendment.

The SPEAKER: The pending question is the motion of the gentleman from Westbrook, Mr. Scates, that the bill and amendment be tabled, the pending question being the motion of the gentleman from Calais, Mr. Tupper, that House Amendment A be adopted. All those in favor will say aye; contrary-minded, no.

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

The SPEAKER: The pending question is the adoption of House

Amendment A to L. D. No. 8. All those in favor will say aye, contrary-minded, no.

A viva voce vote was doubted.

Mr. SCATES: Mr. Speaker, I would ask for a roll call.

The SPEAKER: The Chair understands that the gentleman from Westbrook, Mr. Scates, asks that when the vote is taken it be taken by the yeas and nays. Before a roll call can be had it requires the affirmative vote of one-fifth the members present. All those in favor of the motion of the gentleman that when the vote is taken it be taken by the yeas and nays will rise and stand until counted and the monitors will make and return the count.

A sufficient number obviously having arisen, the motion prevailed, and the vote by the yeas and nays was ordered.

The SPEAKER: Is the House ready for the question? The members will bear in mind the rule of the House that when a roll call is being taken the members must remain in their seats until the roll call is taken and the result announced. The Sergeant-at-Arms will enforce this rule.

Mr. SCATES: Mr. Speaker, will you please state the question on the yea and nay vote?

The SPEAKER: The pending question is the motion made by the gentleman from Calais, Mr. Tupper, that House Amendment A to L. D. 8 be adopted. Does anyone desire the amendment read? The Clerk will re-read House Amendment A.

(House Amendment A re-read).

The SPEAKER: The pending question is the adoption of House Amendment A to L. D. 8, and the Clerk will call the roll.

Yeas—Ashby; Bailey, Whitefield; Bailey, Woolwich; Bartlett, Bennett, Blanchard, Bucknam, Bussey, Carleton; Chase, Baring; Chase, Limington; Chase, Sebec; Clarke, Cobb, Collins, Cook, Crowell, Deering, Devereux; Dow, Livermore; Dow, Portland; Dunn, Eastman, Eldridge, Farris, Fenlason, Fernald, Flanders; Fogg, Rockland; Fowles, Friend, Graves, Haggett, Hall, Ham, Hanson, Hawkes, Heccock, Hill, Hills, Holden, Hussey, Jones, Lancaster, Laughlin, Lewis; Littlefield, Alfred; Lord, Mack, MacPherson, Martin; Mason, Mechanic Falls; Mayers, Norris, Oliver, Osgood, Peacock, Plouff, Plummer, Rand, Rea, Richardson, Russ; Sanborn, Baldwin;

Sanborn, Weld; Sargent, Shaw; Smith, Masardis; Soper, Sprague, Sterling, Stern, Stover, Thomas, Tillson; Tompkins, Bridgewater; Tompkins, Houlton; Tupper; Walker, Rockland; Walker, Rockport; Wallingford, Webber, Wentworth, White, Williams, Wright, Young.

Nays—Allison, Audet, Belanger, Berry, Boyle, Breen, Burgess, Bushey, Carswell, Carter, Drisko, Duquette; Forgue, Lewiston; Gagnon, Gallagher, Goodwin, Goudy, Gray, Gross; Hamel, George; Hamel, Napoleon; Hancock, Haskell, Hastings, Hobbs, Knight, Labbe, Leathers, Lebel, Lindsey; Littlefield, Bluehill; Luce, Mace; Mason, Raymond; McKinney, Michaud, Morin, Nevers, O'Connor, Quine, Rush, Scates; Smith, Vinalhaven; Thompson, Thurston, Viles; Ward, Harrison; Ward, Thorndike; Whitney, Whitten.

Absent—Burns, Carignan, Newcomb, Rounds; Smith, Orono.

87 yes, 50 no, 5 absent.

The SPEAKER: The vote on the adoption of House Amendment A is 87 in favor, 50 opposed and five absent, and the House has accordingly adopted House Amendment A.

The SPEAKER: The Chair recognizes the gentleman from Cooper, Mr. Clarke.

On motion by Mr. Clarke, the rules were suspended and the members allowed to smoke for the balance of the Special Session.

Mr. TUPPER of Calais: Mr. Speaker, I now offer House Amendment B to L. D. 8.

The SPEAKER: The Clerk will read the amendment.

House Amendment B to Legislative Document No. 8:

Amend Legislative Document No. 8 by striking out the word "operate" in the seventh line of Section 8, and substituting in place thereof the word "establish"; and further, by striking out the last two lines of said bill and substituting in place thereof the following:

Section 17. Local Option. The following question shall be submitted to the voters in cities and towns on the usual ballot at each biennial election hereafter;

"Shall state stores be operated by permission of the state liquor commission in this city or town under the provisions of 'An act to regulate the sale of intoxicating liquors,' passed at the 1934 special session of the legislature?"

If a majority of the qualified vot-

ers present and voting at any biennial election of a city or town signifies disapproval of the question above, the commission shall not operate state stores under the provisions of this act in said city or town.

Prior to the next biennial state election, state stores may be established in any town which at the last biennial election voted in favor of the repeal of the 26th Amendment to the Constitution.

Section 18. Emergency Clause. In view of the emergency recited in the preamble, this act shall take effect when approved.

The SPEAKER: Before the vote is taken, the gentleman from Calais, Mr. Tupper, asks unanimous consent of the House to strike out of his verbal amendment the words "present and" in the third paragraph of his amendment, so that it will read "if a majority of the qualified voters voting at any biennial election."

Unanimous consent was given.

The SPEAKER: There apparently being no objection to striking out these two words, which are in the amendment inadvertently, the Chair rules that in the nature of a verbal amendment they are stricken out of the draft. The situation is this: in the preparation of the amendment somebody suggested that if it said "a majority of the qualified voters present and voting at any biennial election", that would disqualify anybody voting by absentee ballot, it following the old statutory form before the absentee ballot was used.

Mr. SCATES of Westbrook: It is immaterial perhaps, but should not the absentee fellow have a chance to vote?

The SPEAKER: He would not have, if it was left where it is.

Mr. SCATES: Why shouldn't he have a chance to vote?

The SPEAKER: We are correcting it so he can. These two words are stricken out of the draft of the verbal amendment to House Amendment B.

The pending question is the adoption of House Amendment B to Legislative Document 8.

Mr. MACK of Veazie: In the interests of clarification of the language of the bill, if I understand the amendment as just read, the gentleman has suggested an additional emergency clause on the bill. The bill as written already has the emergency clause, and I wonder if he does not want to clarify that in some way so the bill won't carry in

the language and in the records of the stenographer two emergency clauses.

The SPEAKER: The first section of the amendment strikes out the emergency clause which is now in the bill, and after putting in an additional sentence places the emergency enacting clause back on the bill.

The gentleman from Calais, Mr. Tupper, moves the adoption of House Amendment B. All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion prevailed, and on further motion by the same gentleman L. D. 8 as amended by House Amendments A and B was given its third reading and passed to be engrossed.

The following papers from the Senate were taken up out of order under suspension of the rules:

Majority report of the Committee on Temperance reporting ought to pass on bill an act authorizing the licensing of distilleries, breweries and wineries. S. P. 2, L. D. 1.

Report was signed by the following members:

Messrs. Bissett of Cumberland
McDonald of Washington
Farnsworth of Aroostook
—of the Senate.

Messrs. Mrs. Carter of Fairfield
Leathers of Hermon
Littlefield of Alfred
Bucknam of Portland
Hobbs of Hope

—of the House.

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. Tompkins of Bridgewater
Stover of Pownal

—of the House.

Comes from the Senate the majority report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, it was voted to accept the majority report ought to pass in concurrence, and on motion by the gentleman from Hermon, Mr. Leathers, under suspension of the rules, the bill was given its three several readings and passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate,

The following Order:

Ordered, The House concurring,

that a fountain pen be furnished to each member and officer of the House and Senate.

Comes from the Senate read and passed.

In the House, a viva voce vote was doubted.

Mr. SCATES: Mr. Speaker, would it be permissible to have a roll call on that?

The SPEAKER: Does the gentleman move for a roll call?

Mr. SCATES: Oh, no!

A division of the House being had, and a sufficient number obviously not having arisen, the order failed of passage in concurrence.

Paper from the Senate disposed of in concurrence.

The SPEAKER: Are there any other matters on the table that can be taken off and debated at this time?

On motion by Mr. Michaud of Van Buren,

The House recessed until 8 P. M.

EVENING SESSION

8 P. M.

The SPEAKER in the Chair.

On motion by the gentleman from Bath, Mr. Wright, it was voted to take from the table the 7th matter on the calendar, two reports of the Committee on Temperance on L. D. 5 upon which the committee reported divided report, majority report being ought to pass in new draft, the new draft being L. D. 10, and minority report ought not to pass, tabled by that gentleman earlier in the session, the pending question being the motion of the gentleman from Augusta, Mr. Hussey, to accept the majority report of the committee, which was ought to pass in new draft.

On motion by the gentleman from Augusta, Mr. Hussey, a viva voce vote being taken, the majority report of the committee, ought to pass in new draft, was accepted, new draft being L. D. 10.

On further motion by the same gentleman, under suspension of the rules, the bill was given its first two readings.

The gentleman from Augusta, Mr. Hussey, offered House Amendment A to L. D. 10 and moved its adoption.

"House Amendment A to H. P. 11, L. D. 10, entitled an act to provide for the control and regulation of intoxicating liquor.

Amend said bill by striking out the period at the end of the 13th line thereof and inserting in place thereof a semicolon, and by adding thereto the following words:

'Provided however, that manufacturers of liquor using exclusively the agricultural products of the State of Maine as raw materials for the production of alcohol or liquor shall pay an annual license fee of \$100, and provided further that manufacturers of liquor using in part the agricultural products of Maine and in part those of other states as raw material shall pay such fees as the Commission may determine to be directly proportionate as to the source and quantity of such raw material and based upon the foregoing differential.'

The gentleman from Augusta, Mr. Hussey asked unanimous consent of the House to withdraw House Amendment A to L. D. 10. Unanimous consent was granted, and the amendment was withdrawn.

The same gentleman offered House Amendment B to L. D. 10, and moved its adoption.

"House Amendment B to H. P. 11, L. D. 10, entitled an act to provide for the control and regulation of intoxicating liquor.

"Amend said bill by striking out in the 5th and 6th lines of Section 24 thereof the following words: 'upon which the sale of spirits has been entered', and by striking out the period at the end of the 7th line in said Section 24 and inserting in place thereof the following: ', and transportation of said liquor as herein defined by a common carrier operating under a legislative franchise shall be lawful without a permit.'

Thereupon, on motion by the gentleman from Augusta, Mr. Hussey, House Amendment B was adopted.

The same gentleman thereupon offered House Amendment C to L. D. 10, and moved its adoption.

"House Amendment C to H. P. 11, L. D. 10, entitled: An Act to Provide for the Control and Regulation of Intoxicating Liquor."

Amend said bill by inserting in the first line of Section 33 thereof after the comma following the word "child" the word 'or' and by striking out in the 2nd line of said section the words "or employer".

Thereupon House Amendment C was adopted.

The gentleman from Calais, Mr. Tupper, offered House Amendment

D to Legislative Document 10 and moved its adoption.

House Amendment D to Legislative Document No. 10.

Amend Legislative Document No. 10 by striking out everything after the title thereof and substituting in place thereof the following:

"Section 1. The State Liquor Commission may from time to time in cities and towns where state stores are in operation or where such stores have been authorized either under the terms of the act creating said commission or at any biennial election commencing with the election to be held on the second Monday of September, 1936, grant licenses for the sale of liquor to be consumed on the premises where sold in accordance with the provisions of this act.

Section 2. Said commission shall have all the regulatory powers in connection with licenses for the sale of liquor that are vested in said board in connection with the sale of malt beverages.

Section 3. Licenses for the sale of liquor to be consumed on the premises where sold may be issued in the discretion of the commission to clubs which have been in operation for a period of two full years prior to the application therefor and to bona fide hotels, restaurants, steamboats and railroad dining cars on payment of the fees herein provided subject, however, to the condition that the application therefor be approved by the municipal officers of the city or town in which such intended licensee, if operating a club, restaurant or hotel, is operating the same, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine. No liquor shall be sold under any license issued under the provisions of this section except during such hours as the dining room of the licensee is regularly open for the purpose of supplying food to guests, except that hotel licensees may sell in the original packages to registered room guests.

Section 4. The fees for licenses for each hotel shall be six hundred dollars (\$600) per annum in cities and towns having a population of ten thousand or more, and three hundred dollars (\$300) per annum for cities and towns having less than ten thousand population; and for each club and restaurant, steamboat and dining car, two hundred

dollars (\$200) per annum, provided, however, that a single license for railroad dining-car service shall be sufficient to cover all dining-cars operated by any one owner.

Section 5. All persons licensed under the provisions of Section 3 of this chapter shall purchase all liquor sold under license within the state from the commission.

Section 6. No person shall be eligible to be licensed under the terms of this act who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor, nor any artificial person whose officers or directors or any of them have been so convicted.

Section 7. In the interpretation of the provisions of this act the terms defined in the Act Creating the State Liquor Commission shall have the same meaning as therein set forth."

The SPEAKER: The pending question is the motion of the gentleman from Calais, Mr. Tupper, that House Amendment D be adopted.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to inquire from the Clerk first, because I did not get it—Is the emergency clause attached to that?

The SPEAKER: No, there is no emergency clause on this bill.

Mr. SCATES: Now, Mr. Speaker, I will be frank with every member of this House. What does it mean? How many of you can grasp what there is in that amendment there? Can you, the lady member from Portland?

Miss LAUGHLIN of Portland: Pretty much.

(Laughter and applause).

Mr. SCATES: I wish that I had a mind as keen as that of the lady member from Portland (Miss Laughlin) if she had nothing to do with the drafting of the bill.

That is an entirely new bill. They just simply take the title of this bill, and it has come in here entirely as a new thing. No one knows what it is or what it means. I have only a fairly keen mind, but it took me an hour and a half yesterday, with a mind much keener than mine, to digest what there was and what it meant in Document No. 5, and now they bring in here tonight an entirely new bill of which we never heard anything and ask us to accept it. I have seen some

pretty sharp practice in the Maine Legislature, but that tops them all. (Laughter).

Now if you members of this House want to enact that legislation, God knows the people will think less of you than they do now.

I will move that that be laid on the table and 1000 copies be printed of it, so that we can understand what it is, because I am not going to vote for anything about which I have no comprehension whatever. You may do so, but I won't.

Mr. HUSSEY of Augusta: Mr. Speaker, the three amendments that I put in, I wish to explain were left out unintentionally in the re-draft which was sent out from the committee on Temperance.

As you know, a committee report should have a great deal of standing with any body in this State. They put out this bill No. 5, which in the new draft is No. 10; and they came to me today and said through an error in printing these three sections had been left out, and they wished me to see that they were put in.

Now in regard to the amendment offered by the gentleman from Calais, Mr. Tupper, that was not sent up from any temperance committee, and I have not the least idea where it came from. Maybe the gentleman can tell us. When I get through I will ask him. But that has been drawn some time since four o'clock this afternoon.

Now that has not been given any consideration at all by any committee. I believe that we are not in a position to pass judgment on just a reading of an amendment as long as this. I think if they had any amendment to a bill as thorough as this No. 10 that they should have brought it in before. They are just trying to overthrow the whole bill by substituting one which nobody knows anything about. I think it is very unfair to bring an amendment of that type in at this time.

The SPEAKER: The amendment is incomplete and will have to be amended before it can be acted upon at all. The Chair understands that the gentleman from Westbrook, Mr. Scates, temporarily withdraws his motion.

Mr. SCATES: I will withdraw my motion, but I simply wish to say that whoever drew that bill drew it so hastily that they did not

know enough or did not have the time to put the enacting clause on. What do you think of that legislation?

I withdraw my motion in order that the enacting clause may be put on, and then I shall renew that afterwards.

Mr. SMITH of Vinalhaven: Mr. Speaker and members of the House, I have believed ever since the early days of the opening of the 86th Legislature that the lady member from Portland (Miss Laughlin) has one of the most brilliant minds in this Legislature. I still believe so. She understands almost fully this amendment. I believe the gentleman from Westbrook (Mr. Scates) has one of the brilliant minds of this Legislature, and he does not understand it. I believe I am at least of average intelligence, and I do not understand any of it.

Now, Mr. Speaker, if it is in order—and I do not know as this is in order from a parliamentary standpoint—I would like to ask for a showing of hands of the members, of all who understand that amendment.

The SPEAKER: That would not be in order. We will have the amendment read again if you desire.

Mr. SMITH: Then I feel fully convinced that there is not five per cent of the members who understand it. I would ask, Mr. Speaker, through the Chair, if the gentleman from Calais (Mr. Tupper) would explain it.

The SPEAKER: The Chair recognizes the gentleman from North Anson, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, I yield at present to the gentleman from Calais, Mr. Tupper.

Mr. TUPPER of Calais: Mr. Speaker, there is nothing very vague about this bill. It has not been hastily drawn. We who drew the bill worked on it several days and not since four o'clock this afternoon.

It is simply a bill for consumption of alcoholic beverages on the premises. It takes care of hotels, of clubs, of restaurants, steamboats and railroads, Pullman cars. There seems to be a big demand for that in the State, especially among some of our legislators. I have always been in favor of a hotel bill, but if this bill I have presented confuses anybody, I do not see how

they could possibly wade through 27 pages of L. D. 10.

I do not know of anything I can add to explain it. It does not need explanation. It is simple, concise and clear. Read it, and if your mind is receptive and you are not trying to play politics on the liquor question you can readily understand this bill comes from earnest people who are trying to put through a decent bill in the State of Maine.

Miss LAUGHLIN of Portland: Mr. Speaker, I haven't seen this amendment, but I think I can tell what is in it. Of course the gentleman from Calais, Mr. Tupper, has provided some explanation of it by saying it provides for the sale of liquor in restaurants, clubs or hotels, and that the fees for licenses for hotels shall be \$600 per annum in cities having a population of ten thousand or more, \$300 per annum for cities having less than ten thousand population, and \$200 per annum for clubs and restaurants, and so forth. It is so very plain and simple, if you have listened to the reading of the bill. I want to say only one thing: I am very much surprised to hear the gentleman from Westbrook (Mr. Scates) opposing it. I heard him say earlier today that if we passed bill No. 8 that it would do away with bill No. 5. Now that is his own statement. Now we have already this bill No. 8 for third reading. Here comes a proposition to make an entirely different provision in No. 10 by striking out everything after the enacting clause and providing for the sale in hotels, restaurants, and so forth. We do not need No. 10, with its 27 pages which the gentleman from Westbrook (Mr. Scates) found difficult to understand, because the moment we pass No. 8 we do away with the necessity for No. 10 unless we make an entirely different bill, which this amendment does, simply by providing for sale in hotels and restaurants. I do not need to go into the matter of the fees. It is plain, as Mr. Tupper has said, I think it is very plain. I cannot understand how the gentleman from Westbrook (Mr. Scates) can get up and oppose a new bill for it, since by his own admission No. 10 is out. (Applause).

The SPEAKER: The Chair understands the gentleman from Calais, Mr. Tupper, offers House Amendment A to House Amendment D and moves its adoption. The

Clerk will read House Amendment A to House Amendment D.

House Amendment A to House Amendment D to L. D. 10.

Amend said amendment by inserting after the word "following" in the third line thereof, the following words: "Be it enacted by the people of the State of Maine."

Thereupon House Amendment A to House Amendment D to L. D. 10 was adopted.

The SPEAKER: The pending question now is the motion of the gentleman from Calais, Mr. Tupper, that House Amendment as amended by House Amendment A to House Amendment D be adopted.

The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, I only wish that I had a mind as keen as that of the lady member from Portland (Miss Laughlin). I think that I would be a world beater. But there is one point on which I would perhaps correct the lady member. She says that Legislative Document 10 is done. Is it?

Miss LAUGHLIN: No. I said if your statement was correct, it was done. You said if we passed No. 8 it would do away with No. 10.

The SPEAKER: One at a time, please.

Mr. SCATES: If it finally passed. If I remember correctly No. 8 has got to come back into this House again. It has an emergency clause on it, and that requires 101 votes to pass it, and it will be some time before bill No. 8 is enacted, so I think that No. 8 is not done away with, not yet.

I am willing to take my stand before the people of the State and say that I will never, never vote for a measure so important as a liquor control measure in this State without knowing anything about it and never having it printed and never having it for consideration, and the people of this State being denied the right to come in before the committee and express their opinions on it. The people of this State have some rights. If you are going to pass that kind of legislation over them, if I was running for State office, which I never shall, I would ask for nothing better than to take that kind of legislation to the people of this State. Denying the people the right in an important matter like this to express their opinion! Are you willing to vote for that kind of legislation? Are you willing? Are you? Are you?

I am glad to know there is one gentleman in this Legislature who is willing that the people shall not have the right to come in and express their opinion upon a matter of legislation so important as this. I am glad to know that.

Now I hardly know what to say, but there are many things in my mind I would like to say. I came down here with an idea in my mind that I would try to get together with the prohibitionists, with the members of the Republican party here, that we might get together and work out some measure that would be fair and satisfactory to the people of this State. You can not satisfy everybody. Nobody can satisfy everybody. This matter of temperance or prohibition or control of the liquor traffic is an important matter. Everyone admits that intemperance is a bad thing. We know its work, what it has done for humanity. But it is not the only evil in this nation. I believe that tobacco has done more to the injury of human flesh than liquor, which only makes people make fools of themselves.

Another evil greater than that is the social evil of divorce, and as I read the papers I see the hundreds of homes that have been destroyed by divorce. In the City of Portland at the last term of court there were 60 divorces. That is one of the great evils of this nation, and it is undermining the home and the family and the social conditions of this nation.

There has been too much emphasis in time gone by in this State placed upon the evil of drinking. There are other evils. And if the churches—and I am speaking of the protestant churches now—would devote one part of their time to the social and other evils that they devote to prohibition, this world would be a better world to live in. I have the greatest respect for one of the great denominations, the greatest denominations in this State, the church that has devoted its energy and efforts against this social evil, that places the ban upon divorce and everything of that nature.

But I won't carry that along any farther. If the people of this State, the members of this House are willing to enact at this late hour legislation like that, if I was running for public office and could tell the people what I did in my humble way to prevent it, oh, I should love to go to the people of the State on that

proposition. Nothing would please me better.

I will move now that that be tabled and 1000 copies of it be printed.

The SPEAKER: The gentleman from Westbrook, Mr. Scates, moves that House Amendment D as amended by House Amendment A to House Amendment D lie on the table pending its adoption and that 1000 copies be printed. All those in favor of the motion of the gentleman will say aye, contrary-minded no.

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

The SPEAKER: The pending question is the adoption of the amendment, and the Chair recognizes the gentleman from Van Buren, Mr. Michaud.

Mr. MICHAUD of Van Buren: Mr. Speaker, I did not come here prepared to make any statements. I feel somewhat odd in having to stand up and speak before such keen minds as are able to understand these documents as they are read from the Chair; but I am disgusted, I might say, to come here and find a repetition of what we had here some months ago when we came here on call to discuss the same question, or, rather, a question akin to this. I regret this juggling of amendments A and B and C and D to C and so on. I regard this as a scheme to obstruct whatever progress has already been made before the committee and before the House. I am doing my best to keep sane, at least, but I am afraid that if we must go on with this I certainly shall understand less and less as I go along. We have a bill that was drawn up by a committee, an entirely disinterested committee, a very representative committee, nonpartisan, unbiased. That bill was heard before the committee on Temperance, and I am sure there is no doubt in the minds of all those here present, in the minds of the members of this House, that public sentiment is overwhelmingly favorable to that particular bill. All of us have studied the bill and I certainly would refuse to admit that it is not the most adequate of the measures presented here.

I merely wish to say that I presume there is no way to stop these attempts at obstructing the entire program; but I would call on the members of the House to join hands and try to accomplish something before we get out of here, and not con-

tinue to just jog on the way we did some months ago without accomplishing anything, and the way we are doing right now. We wrangled here before and I think that we were the laughing stock of the people of this State, and, if we continue at our present pace, I think we are going to strip this Legislature of its last sense of dignity. I think it is about time that we wake up and get serious about this business. I thank you. (Prolonged applause)

Miss LAUGHLIN of Portland: Mr. Speaker, I do not desire to debate this amendment—I am not in favor of some of the hotels anyway; but I do wish to call the attention of the gentleman from Westbrook (Mr. Scates), and everybody else, to Section 19 of this wonderful bill No. 10. The gentleman from Westbrook said that the public had had no chance to vote on the provisions of this amendment. Section 19 of bill No. 10—and the same thing in bill No. 5 in its original form—as heard before the committee—deals with the sale of intoxicating liquor in hotels, restaurants, dining cars, buffets and club cars, vessels, and so forth. That was a part of that bill at that hearing and the public had every opportunity to express what it thought about the sale in hotels. Now the gentleman from Westbrook has said how well he knew this 27-page bill and how difficult it was to comprehend. He must surely have known of Section 19 which was a part of the bill heard by the Temperance committee and upon which the public was heard to express all its views as to the terms of selling in hotels and for any suggestions different from this. So the main thing in his argument, which is all I wish to bring out, is that the public not only has had the opportunity to be heard on the whole substance of this amendment, but the public has been heard on it. Now as far as the situation goes this amendment is evidently drafted to provide for no different sale except the sale of intoxicating liquor in hotels, clubs, restaurants, dining cars, passenger cars, buffets and so forth. That is the one spot in that amendment which is a part of bill No. 5. Now No. 10 in the new draft evidently is an attempt to save that part of that bill which is not incorporated in bill No. 8. The gentleman from Westbrook reminds me that the vote here would not get 101, but I might remind him that the vote here this afternoon of 87 would

nevertheless pass the bill; so that if his statement was correct that if we pass bill No. 8 we had no occasion for bill No. 10, then it is plain that by passing that by 87 we have no occasion for this, but this amendment takes a part to save it and put it in this as a bill to provide for the sale of intoxicating liquor in hotels, which was a part of that bill and on which the public has had every opportunity to be heard. (Applause)

Mr. FENLASON of North Anson: Mr. Speaker and members of the House: I would like to call attention to Section 25. I would like to call the gentleman from Westbrook (Mr. Scates') attention, who has put on a show here tonight one hundred percent political, in a funeral tone for effect only,—and he will get a bigger headline in the morning papers, he did not have any other mind in the matter at all. Now listen and I will direct my attention to the gentleman who was on the Appropriation's committee with me last winter and who knows a lot about the financial set-up of the State of Maine. The Section provides: "All amount received by the commission under any provisions of this act, from the profits of the State liquor stores, from license and individual and other permit fees shall be paid in to the State Treasurer and shall be applied by him to the following purposes and shall be available therefor without appropriation: First: To defray the expense of establishing and maintaining the commission and of its performance of the duties imposed upon it and of its exercise of the various powers and discretions delegated to and reposed in it by this act.

Second: To provide additional revenue for the general purposes of the State."

Now if there is any man in here as wise as Brother Scates or Brother Hussey, he knows that if we provided one hundred million dollars, they would spend every nickel of it. Do you find that in bill No. 8? Just look at bill No. 8 and see what they propose to do with the profits from the liquor! Now look! This bill No. 8 did not suit a certain group for a specific reason. The papers carried a news item to the effect that twenty Representatives went into conference and drew up a bill in the back part of their heads and the next morning the lawyers, representing that group, drew the

bill up. Now that is a crime! I have an idea they had a right to do that.

Now what did we hear yesterday? The grangers all reported to their representatives that they wanted a straight State Store bill and they did not ask for anything else. The gentleman has referred to the churches. I hate to do that on a liquor bill. In the morning paper there will be words to the effect that "Scates put it all over them" I know that he is a grandstand player and always has been and he is a friend of mine. That Tupper bill provided in the first issue a State Store bill. The Republican Legislature proposes to take care of the hotels and they have done it. Now if there is anything wrong about that, let's not pass it because it is a bill set up by the Commission, appointed by the Governor. I would like to have every person take that into consideration.

Mr. STERN of Biddeford: Mr. Speaker and members of the House: Please have patience and do not make a cry, because I have listened to a few speakers tonight and was practically in tears. I hear a few speakers who are speaking in the name of the people. I am one of them. I am one of the common people, I am one of the common folks in the 86th Legislature; I am not a leader, but I lead myself. I was elected by the people, and I can speak in the name of the people more perhaps than those gentleman who are playing more politics.

Now my people have never asked that I should come over here and give them three commissioners, never in their life. They want the State House run as cheap as possible. They would be satisfied with one, just a manager to manage the stores. They asked me that I should vote for a bill which would keep the profit in the hands of the State and not let it come into private hands, because we have suffered long enough with private ownership. They want to have State ownership in our measure. They did not ask me that I should vote to give it to hotels and restaurants. They want State stores, where a man can buy it like a pint of milk and take it home with him. That is what they want.

Let me tell you, friends, that the people in general are not losing any sleep, whatever legislation you are going to pass here. They are more interested in the New Deal than

they are in whiskey. I know what I am talking about. You have seen people by the thousands going on strikes, not because they do not have whiskey, but because they went out to fight for a decent living and bread for their mouths.

Let us cut out our nonsense, let us talk in the language of the people. We should give people just what they are entitled to. Both parties are trying to give them legalized whiskey. The people are interested that the man who wants to have a drink should have a right to get it in a legal manner, and that the people should have the civil liberty which they had 15 or 18 years ago. That is what they want. But they do not want you to give it to hotel keepers or private interests. They did ask me before I came over to this special session that I should bring in an amendment that no women should go into the beer joints, because it is a disgrace for girls fifteen or sixteen years old to go into these places and drink and make dates. If they do that when they are only drinking 3.2, you can imagine what will happen if stronger stuff becomes legalized.

I am not interested in whiskey entirely. It makes no difference whether I drink or not, but what I am going to do is give the people what they want, give them their rights. I think the State store is enough for them, whatever they want to buy. If half be under State ownership and half under private ownership, that is a combination working one against the other. You can not have it half and half.

I say to you ladies and gentlemen, let us have an understanding, let us have State stores, and give it to the people for \$1.00 or \$1.50 cheaper than they could get it under private ownership.

Someone has said that if a man comes into a hotel at nine or ten o'clock at night and can not get a drink, he will have to go and buy it of a bootlegger. If you have to pay the hotel \$1.00 more, you might as well pay it to the bootlegger. It would not be bootlegging, because the same bootlegger would buy it of the State store, and it would only be speculating. (Laughter)

We have speculators in New York in tickets. You go to New York and if you do not have a ticket they will sell you one worth \$2 and charge you \$3. They will do the same thing in this State.

Another thing, we are now educating people to become drunkards. If I am here in the Legislature and I give a man \$1 an hour, I am not losing anything, and if I give him 20 cents an hour I am not losing anything, but if he is working for me under private ownership I make more profit if I give him 20 cents an hour than if I give him \$1 an hour. If it is under the State we will not care for profits; we will not be interested to advertise. But if you give it over to private ownership, to hotels and restaurants, they are interested in advertising, and how are you going to cure that.

The gentlemen who drafted No. 5 and No. 10, do you know what they had there in a certain section? They had a provision that these commissioners should give so much money to the educational board. After getting a profit from the sale of whiskey to make drunkards, then they give money to the educational board to teach them temperance.

If I should take that No. 5 bill—and never mind if it comes from the Governor, because lots of things come from the bible that are not right—if I should take that document I could find enough hypocrisy in it so that I could write a book of 500 pages on it. They have changed it here so the employer should be the guardian.

I am telling you just the way I feel. I do not think we are interested in the people, because last year we had a chance to carry through a State store bill, but no, they wanted to have a druggists bill, and they got nothing. The people who were trying to get the druggists bill blamed it on us. I sent in an article to the paper, but they wouldn't print it, because I told the truth. The liar rides in a carriage and truth walks, because the liar could not stand on his feet.

We have, of course, people in the house who can speak, but we could not protect ourselves. It is time that the press should know that it is the people who are speaking, and that they want government by the people for the people.

I say this: that we could settle this matter in just half an hour. Give them the stores. Let the next Legislature decide what they want. Give them an opportunity to come in and buy in State stores. Restrictions are not any good if it is placed in private hands. If they want to do something, let them elect a committee of seven to decide it. I can

see where the drys are willing to come in and are willing to make a compromise. If they want to, in an hour they can come in and have an understanding, if private politics are kept out.

Now, friends, I do not like to make this kind of a speech here, but I am telling you just as I feel. I think that the majority of this Legislature are serious, but it is just a few who muddles up everything. I may never speak here again. To me it was an honor to be elected here. I tried all my life to be in a free country and be able to deliver to you a speech and express my opinion. I say to you: keep up your institutions. By actions of this kind you destroy your institutions. Tell your leaders they should lead themselves. I hope you will use your common-sense and stop crying, in the name of the people. (Applause)

Mr. SCATES of Westbrook: Mr. Speaker—

Mr. MAYERS of Hallowell: Mr. Speaker, I rise to a point of order. I would like to inquire how many times the gentleman from Westbrook intends to speak on this subject.

The SPEAKER: The Chair's recollection is that the gentleman from Westbrook, Mr. Scates, has spoken only once. He is entitled to speak twice and as many more times as he desires provided the House is willing. The gentleman may proceed.

Mr. SCATES: Mr. Speaker, I surely am complimented by the remarks that some of my friends have made here tonight. The gentleman from North Anson (Mr. Fenlason) has said that I have put on a show. Well, if that is true, I know where to get the clowns. (Applause). Let us be reasonable. We are not children. We are here on important matters that pertain to the welfare of the State, to the society of the State and to humanity. This bill has come here out of clear sky and in contravention of the fact that the Governor of this State some months ago selected a committee composed of the best minds of this State to study this question and report some bill to the Legislature for its consideration. The committee was headed by ex-Governor Cobb, and I know something about the Governors for the past thirty years in the State of Maine, and I will say this that Governor Cobb is the only

governor that we have ever had in the past thirty years who tried honestly and sincerely to enforce the prohibitory law. Now that is right. He is the head of this committee and there were other intelligent men on that committee. They studied the conditions in this State and in other States, and they have brought in here a bill which they considered was for the best interests of the State and the people of the State and you want to kick that over and present a bill here in the last minutes of this session with nothing printed and nothing ready to take the place of that. Are you going to do it?

You noticed here yesterday where the representatives of the great Congregational church in this State came in here. You know what they said and here is a copy of the recommendations that that committee made to this Legislature. Let me read them. I do not think that Governor Cobb's committee knew anything about them but let me read them as they go along. These are the recommendations presented by the Temperance committee of the Congregational-Christian Conference of Maine.

"1. That the Governor's Advisory Committee on liquor legislation taken particular cognizance of (a) the study 'Toward Liquor Control' by Raymond B. Fosdick and Albert L. Scott; and (b) the New Hampshire laws relative to the sale of liquor."

That is what they did in this bill, L. D. No. 5, now No. 10.

"2. The appointment of a State Liquor Commission of three members, not more than two of whom shall belong to the same political party. The compensation and the security of office should be such as to insure as incumbents of these positions men of high calibre. These men should have no interest in the liquor business."

That is incorporated in Legislative Document No. 10.

"3. That private profit should be strictly regulated. Past experience should indicate this necessity. If this is not done, all regulations are comparatively useless."

That is in Legislative Document No. 10.

"4. That there should be a system of State stores which shall sell all alcoholic beverages. They shall have the exclusive sale of all bev-

erages and liquors of more than 6% of alcohol by volume."

That is in Document No. 10, and I might go through the whole list. That bill is based on the recommendation, incidentally it may have been, of the Temperance committee of the Congregational churches of Maine.

Now these are probably the last words that I shall say and I am sorry that I was brought into it. It has been a matter of politics, though we came here with the idea of not entering into any politics; but what do you find? The first thing we found when we came in here was a bill that was an insult to the Governor of this State. Now that is a fact and all the papers throughout the State have so considered it. You may not agree with the Governor, possibly you may not consider him bright—not so bright possibly as some of the keen minds of this House; but the people of this State believe in Governor Brann, and, if you doubt it, look at the vote last September. He probably received twenty-five or thirty thousand Republican votes; yet you simply slapped him in the face at the very opening of this Legislature. I am not here to defend Governor Brann, he is about three steps ahead of any of us; but when you are slapping Governor Brann, you are slapping about twenty-five or thirty thousand Republicans of this State, to say nothing about the Democrats. Four years ago when times began to be hard, mills were closing, factories were being closed, wages cut, there was a bill presented in the Legislature to reduce the wages of State employees who were receiving the wages of 1929, and you threw it out of the window. What happened in the next election? You know what happened.

That is all I have to say. The putting in of the bill at this time I think is the worst piece of legislation that I have ever seen in thirty years of legislative experience.

Mr. WRIGHT of Bath: Mr. Speaker, in view of the fact that several Representatives have said that they did not understand this amendment I respectfully request and ask the Clerk to read the amendment for that information.

The SPEAKER: The gentleman from Bath, Mr. Wright, expresses the desire to have the amendment

read, and if there is no objection the Clerk will read it.

(House Amendment D to L. D. 10 read by the Clerk).

Mr. ASHBY of Fort Fairfield: Mr. Speaker and members of the House: It almost seems that in this fog of hot air and oratory we are forgetting the events of the past three months. The people of this State by a mandatory referendum have said that they wanted some form of liquor control whereby liquor may be legally purchased in the State. The Governor held three meetings to find out the sentiment of the Legislature. Ninety percent of the Legislature pledged themselves to such a law. The stage seemed to be set for some action and then the slimy finger of dirty politics dipped into the pie and every conceivable trick was used by one party to prevent the passage of a bill by the other. Now as far as this amendment goes, and as a matter of fact as far as pretty nearly every bill goes, I almost think I would sanction it because it is only two months until the next Legislature meets and I feel convinced that the drafter of any of these bills will not know them by the time the next Legislature gets done with them. I think every member here knows what the people of the State expect. They expect a straight State store liquor bill. As far as hotels and restaurants are concerned, selling it by the drink, I think you all know that this State is overwhelmingly opposed to bar rooms, no matter whether you call it a hotel or a restaurant. If you sell it by the drink you are getting right back to the old bar room. Every man here knows that each party is jockeying politically. Now in view of the fact that the people want us to do something here and expect us to do something and we have pledged ourselves to do something, the man today who throws political trigs under the wheel of progress by a bill that does not give the people what they want is public enemy No. 1. Bill No. 8 that we brought up to the threshold of passage seems to incorporate what we need. Why do we quibble over this? Why do we prolong this Legislature for four weeks as we did last winter? Let's pass a bill that will meet the approval of the people and go home. I thank you. (Applause).

Mr. CARLETON of Portland: Mr. Speaker, I am not a politician, I am a business man. I have served this House for eight years. I want the people of the State of Maine to be able to buy liquor in a clean place and not be hypocrites any longer. I believe we should give them a law whereby liquor can be procured at a reasonable price at a place where a man is not ashamed to go in and buy his liquor and take it home. I believe that House Document 10 was set up by some of the finest minds in the State of Maine. They are not politicians and they have been working for the interests of the State of Maine. I am in favor of L. D. 10. Now here there is brought to us an amendment, and, members of this House, that document must not pass—that amendment. This L. D. 10 was reported in by the Temperance Committee 8 to 2, after a hearing in this House. I trust that we are here to give to the people of Maine a good law, a clean law, one that is workable. I believe that L. D. 10 is the best bill that was ever presented here or ever can be. (Applause).

Mr. AUDET of Lewiston: Mr. Speaker and members of the House: I have oftentimes heard since the last Special Session that the Maine Legislature is nothing but a joke. Naturally, being a member of that body, that has always affected me a little. Yesterday, an Ex-Governor of Maine came here and made a broad statement. He told us that unless we get down to business and do something that we will be fit for a museum, and I believe that is so. It has been said that the people of Maine want some action. Now we have come here and we have not accomplished anything to satisfy their minds. Here we are fooling around about a little matter that we could probably have settled in a half hour if we could have gotten together and done business as business men should.

Now ladies and gentlemen, once more I reiterate to you that the people of Maine are sick and tired of all this delay, and it seems to me that we should use our common sense and get down to business, get somewhere where we can understand each other if the bill as it stands is not satisfactory; but for God's sake do not let this Legislature go down in history as the most ridiculous Legislature that the

State of Maine has ever had. I thank you. (Applause).

Mr. HILL of South Portland: Mr. Speaker, I offer an amendment to House Amendment B, L. D. No. 10, and move its adoption, and I would like to speak upon the proposed amendment after it has been read by the Clerk.

The SPEAKER: The gentleman from South Portland offers House Amendment B to House Amendment D to L. D., which amendment the Clerk will now read.

House Amendment B to House Amendment D to L. D. No. 10.

Amend said amendment by striking out the word 'liquor' in the 7th line of section 1 thereof and inserting in lieu thereof the words 'malt liquors and wines.'

Amend said amendment by striking out the word 'liquor' in the 3rd line of Section 2 thereof and inserting in lieu thereof the words 'malt liquors and wines.'

Amend said amendment by striking out the word 'liquor' in the first line of Section 3 thereof and inserting in lieu thereof the words 'malt liquors and wines.'

Further amend said amendment by striking out the words 'and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine' at the end of the first sentence thereof.

Further amend said amendment by striking out the last sentence of Section 3 thereof.

Further amend said amendment by striking out the word 'liquor' in the second line of Section 5 thereof and inserting in lieu thereof the words 'malt liquors and wines.'

Mr. HILL: Mr. Speaker and members of the House: I am opposed to any adjournment of this Legislature until some legislation has been enacted to carry into effect the mandates of the people registered on September tenth. I come here not to obstruct the enactment of a conservative and reasonable liquor bill. I offer this amendment in no spirit of obstruction, with no intention to complicate the proceedings and to defeat the purpose for which we are assembled. I recognize as fully as do other members of this House that prohibition has been repealed and that the question with which we are now confronted is what is the best thing to establish in place of it. I offer

this amendment in the nature of a compromise and I will challenge any member of the House to say that this amendment is offered for any political purposes whatsoever. It was drawn by no committee, self-appointed or otherwise, and I alone am responsible for it.

Under Legislative Document No. 10, also under House Amendment A to L. D. 10, it is entirely possible for any hotel which the Commission may see fit to license to sell by the glass for consumption on the premises hard liquors, and it is not even required that the sale of such liquors be with meals. House Amendment A requires that liquors be sold in the dining room while the dining room is open for the purpose of serving people. I think we can see what the result of such a provision is likely to be. There are thousands of people in the State of Maine, I dare say, who voted for the repeal of the Twenty-sixth Amendment to the Constitution of Maine who would be unwilling to sanction legislation so extreme as this at this time. I believe that in so serious a matter, undertaking new steps after having discarded prohibition which has obtained here for so many years, we should proceed slowly and cautiously; that in this Legislature we should pass a conservative bill and that when the next Legislature assembles, if it should see fit to go a step further, that is a matter for that body to determine; but let us experiment first with a conservative bill and see how that works out. For these reasons I have presented this Amendment for the consideration of the members of the House.

Mr. GOUDY of South Portland: Mr. Speaker, I am well pleased that my brother from South Portland (Mr. Hill) does not want to go home until some liquor legislation is passed, but I am convinced beyond any doubt that if we continue to carry on the way we are, we will all wear beards to our feet. Now I am speaking as a representative of the people just as much as any member of this House, and I want to say that I feel that the different committees and the different people who have participated in attempting to draw a liquor bill for the benefit of the State deserve a lot of praise and they should be complimented. I feel that we owe a debt of gratitude to the commit-

tee headed by Ex-Governor Cobb and to Robinson Verrill and to Mrs. Davis and the other members of that committee. I also feel that we owe a debt of gratitude to the Honorable Frank Southard of Augusta for the work he has put in for the benefit of the State in drawing his bill. I also want to express my deep respect and regard to the Honorable John Clark Scates of Westbrook. I feel that the State of Maine is very, very fortunate in having a public servant who is willing to sacrifice his time and effort in behalf of the people, and I feel that we should eliminate all this child's play. I think we should stop this dilly-dallying back and forth. I think we are acting like a schoolboy fraternity. I think we are subject to a lot of just criticism. We are down here throwing away our time and wasting the taxpayers' money and doing nothing. I am frank to say that I do not know now what is before this House to vote upon. Every time there is a lull somebody offers an amendment, and should we stay here until morning the desk would not hold them. Now I think in the interest of time, and in the interest of the State and people in behalf of whom we are here, that we should try to accomplish something that is going to take care of the taxpayers. It is unfortunate that every time we get together down here at Augusta we start off with good intentions, and before we know it everybody is wrangling and nobody knows what they want to do. They keep changing their minds and when they get ready to vote they don't know what they want.

I am sorry to say that I will not be a member of the next Legislature. I retire from politics by common consent of the public; (Laughter) but I do think it is absolutely unfair and unjust to the State as a whole that we do not get together on some common ground and work out something. I do not see that we are getting ahead at all. I do think that the committee and the ones who worked so hard, instead of being criticised and abused should be complimented on the work they are doing. I think it is unfair to criticise those who have put in so much time trying to get something into shape that will fill the bill. I especially think that the committee appointed by

the Governor should be given a rising vote of thanks for what they have done. I think they have worked hard and they have put in a year of study on this matter. They have sacrificed their time and they have drafted a good bill. Now if a majority of the House do not agree with that bill, or if the majority of the House want any other bill, I am perfectly willing to go along with the majority. Let us stop this wrangling and get down to business. I thank you for the time you have given me and I hope I won't bother you again.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hobbs.

Mr. HOBBS: Mr. Speaker, I ask permission to speaking on this L. D. 10.

The SPEAKER: The pending question is the adoption of House Amendment B to House Amendment D. You may speak on that question.

Mr. HOBBS: I shall be very brief in what I have to say to the members of the Eighty-sixth Legislature. I want to say just a few words on that bill. This committee what was appointed by the Governor was headed by Ex-Governor Cobb. The bill was drawn up by a Republican and it was agreed to by the Democratic members of that committee. They put in considerable time in drawing this bill. Now at the hearing here yesterday we listened to all the bills that came before the committee, and the thought came to my mind that this bill No. 5, which in new draft is L. D. 10, was a bill that met the public sentiment better than any other. The Temperance Committee in its deliberations made considerable changes in that bill, part of those being in relation to the terms of the Commission and the salaries to be paid, which are two important features. Now this Legislature is not going to pass any bill here that will be satisfactory to all, but if we pass this bill it would seem to my mind the best we can do to meet the situation, and at least we have made a start in the right direction. After this bill has been enacted, if it should be, and it does not prove to do what we think it ought to do, then the next Legislature which meets in January can make such changes as it deems wise and necessary. Mr. Speaker, I favor this bill. I thank you. (Applause).

Mr. HILL of South Portland: Mr. Speaker and members of the House: In my previous remarks I do not know that I made entirely clear the purpose of the amendment which was offered. The amendment proposes to eliminate the sale of spirituous liquors in hotels, as provided in the bill and in House Amendment A to the bill. It simply raises the question, first, of whether in such legislation as may be enacted spirituous liquors are to be included for sale in hotels for consumption on the premises, or whether it shall be simply wine and beer.

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Hill, that House Amendment B to House Amendment D to L. D. 10 be adopted. All those in favor of the adoption of the amendment will say aye; contrary-minded, no.

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

The SPEAKER: The pending question now is the motion of the gentleman from Calais, Mr. Tupper, that House Amendment D, as amended by House Amendment A to L. D. 10, be adopted.

Mr. SCATES of Westbrook: Mr. Speaker, I will renew my motion, which I withdrew at the request of the Chair, to have the bill tabled and one thousand copies printed. I do not know but what I may favor the bill when I can study it a little while.

The SPEAKER: The gentleman from Westbrook, Mr. Scates, now moves that House Amendment D, together with House Amendment A to House Amendment D, and House Amendment B, all be tabled, together with the bill and the amendment which has already been attached to it, and that the two pending amendments be printed. All those in favor of the motion will say aye; contrary-minded, no.

A viva voce vote being taken, the Chair ruled that the motion did not prevail, and that the pending question is still the adoption.

Mr. SCATES: Mr. Speaker, I will doubt the ruling, to make it sure.

The SPEAKER: All those in favor of the motion of the gentleman from Westbrook, Mr. Scates, that all the pending amendments lie on the table and be printed, pending their adoption will rise and stand in their places until counted and the monitors will make and return the count.

A division was had, and a sufficient number having obviously arisen in opposition, the motion did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Calais, Mr. Tupper, that House Amendment D as amended by House Amendment A to L. D. 10, be adopted.

A viva voce vote being doubted,

A division of the House was had,

Seventy-four voting in favor of the motion and 51 against it, the motion prevailed and House Amendment D as amended by House Amendment A to L. D. 10, was adopted.

The SPEAKER: The Chair understands that the gentleman from Calais, Mr. Tupper, moves that the rules be suspended and that L. D. No. 10 as amended by House Amendment B, House Amendment C, House Amendment D, as amended by House Amendment A to House Amendment D, have its third reading.

A viva voce vote was doubted.

Mr. BELANGER of Winslow: Mr. Speaker, is it permissible for me to speak on this bill at this time?

The SPEAKER: The pending question is the motion of the gentleman from Calais, Mr. Tupper, that the rules be suspended and that this bill, with its various amendments, have its third reading, and the gentleman may speak.

Mr. BELANGER: Mr. Speaker and members of the House: I wonder seriously whether you people realize what you have done by accepting these amendments? The committee appointed—I hate to say it—the Governor's name has been brought into this too often—but the committee appointed by the Governor has drawn up a bill after studying the liquor situation, not only in the State of Maine but all over the country, and after reading reports written by authorities on this subject, and yet we as a Legislature here say that they were not fitted to give us a report and we attach to it amendments—wholesale amendments—drawn up in the eleventh hour with the idea of getting something for political glory and for a political party. L. D. No. 10 includes everything that the committee thought it should include. Legislative Document No. 8 and amendment D to L. D. 10 are undoubtedly both fostered by the same people and it is nothing but a scheme to do away with Legislative

Document No. 10 for the simple reason that earlier in the session it was branded as a Democratic bill.

If you will stop to consider for a few moments the merits of Amendment D and the merits of L. D. No. 8 and L. D. No. 10, you will find that those—I mean amendment D and L. D. No. 8—you will find that they attempt in a very poor fashion to do what L. D. No. 10 has done and at the same time to eliminate a few of the things that some of the minds here do not think should be included in the bill.

I want to call your attention to a few things that L. D. No. 8 and Amendment D to L. D. No. 10 do not provide for. First of all, there is no provision in either the amendment or L. D. No. 8 for the labeling of liquor and for the punishment of the infringement of the label. There is no provision for the sale of liquor in small communities where it would be unprofitable for the State to maintain a State store. There is no provision against the sale of liquor not bought from or through the Commission. There is no provision for sacramental wines and commercial liquors. There is no provision for the advertising of liquors in the State. There is no provision for the manufacture of liquor. Not one word is said in that L. D. No. 8 or in Amendment D as to the manufacturing of liquor in the State of Maine. No provision is made for the transportation of any quantity of liquor whatsoever. That opens up the road wide to anybody driving into the State of Maine with a carload of liquor and getting away by saying it is permissible to transport liquor in the State of Maine. There is no provision taking care of retail, wholesale and manufacturing licenses; there is no provision for prescriptions by physicians or for licenses for such. There is no provision against sale to minors, to habitual drunkards, to persons receiving aid from the city or town. There is no provision against furnishing of liquor to people in confinement, in other words, people in jail. There is no provision for liability of drunken persons causing damage to persons or property. There is no provision to set up the machinery of a commission. Not a word is said in either the amendment or in Legislative Document No. 8 as to the set-up of machinery. There is no provision that sets out the jurisdictions of certain courts and enforcing officers. There

is no provision for penalties for violations of the provisions of the act. There is no sum appropriated to set up the machinery of a commission so that it may function properly. There is no constitutional clause in the legislative document or amendment D so that if any one certain part of the bill is unconstitutional the court may say the whole bill is unconstitutional. And there is no provision for repeal of acts inconsistent with any of the acts of Legislative Document No. 8 or Amendment D.

Now I think it would be fair, not only to the people of the State, but fair to ourselves as members of the Legislature, as representatives of the people of the State, to consider those things which are all included in Legislative Document 10, which leaves no loophole whatsoever. But I repeat: Those things are left out of Legislative Document 8 and out of Amendment D, and it therefore opens up wide loopholes all the way through. Before you pass such a bill to be enacted, I believe you should think twice. Then if in your minds you still feel that Legislative Document 8 and amendment D do what the people of the State of Maine want a bill to do, then go ahead and vote for that bill and that amendment, but not before.

The SPEAKER: The pending question is the motion of the gentleman from Calais, Mr. Tupper, that the rules be suspended in order that this bill and the various amendments have the third reading. Before the rules can be suspended it requires the affirmative vote of two-thirds of the members present. All those in favor of the suspension of the House rules so that this bill may have its third reading at this time, with the various amendments, will rise and stand until counted, and the monitors will make and return a count.

Miss LAUGHLIN: Mr. Speaker, may I say one word? One of the speakers today said that the committee that drew this bill did not know the law. I call the attention of the House to the fact that bill No. 8 was drawn by a committee composed entirely of lawyers whose whole business is to know the law. There are some other statutes in the State that are not included in this bill, and the statutes of Maine provide penalties for every infraction. It is not necessary that the penalty for every infraction be set forth in this bill. This is not an

entire revision of the statutes. There are still some other statutes, and the lawyers who drew that bill and whose profession it is to know the law had them in mind when they drew up that bill.

The SPEAKER: The bill cannot have its third reading at this time unless two-thirds of the members present vote in favor of the motion to suspend the rules.

Mr. DUQUETTE of Biddeford: Mr. Speaker, when the vote is taken on the motion I move it be taken by the yeas and nays.

The SPEAKER: The gentleman from Biddeford, Mr. Duquette, moves that when the vote on the motion to suspend the rules is taken it be taken by the yeas and nays. The yeas and nays will be ordered if one-fifth of the members present so vote. All those in favor of the motion of the gentleman from Biddeford, Mr. Duquette, to take this vote on the motion by roll call will rise and stand in their places until counted and the monitors make and return a count.

A division of the House was had.

One hundred and thirty-two members being present and only 21 having voted for the roll call, the motion therefor did not prevail.

The SPEAKER: All those in favor of the suspension of the rules in order that this bill may be in line for its third reading at this time, will rise and stand until counted and the monitors will make and return a count.

A division of the House was had.

Seventy-four voting in favor of the suspension of the rules and 49 in opposition the motion failed of passage.

Thereupon tomorrow morning at ten o'clock was assigned for the third reading of the bill.

Paper from the Senate disposed of in concurrence.

The SPEAKER: There are four pending bills still on the table.

On motion by Mr. Goudy of South Portland it was voted to take from the table the sixth matter on the calendar, tabled by that gentleman earlier in the day, being House Report ought not to pass of the Committee on Temperance on bill an act to authorize and regulate the manufacture, transportation and sale of intoxicating liquors (H. P. 8) (L. D. 7) pending acceptance of the adverse report of the committee.

The SPEAKER: The Chair understands that the gentleman from South Portland, Mr. Goudy, now moves to accept the report of the Committee.

Mr. GOUDY: I am making no motion, Mr. Speaker.

The SPEAKER: Is it the pleasure of the House to accept the ought not to pass report of the Committee?

The report was accepted.

On motion by Mr. Burns of Eagle Lake,

Adjourned until ten o'clock tomorrow morning.