

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, December 8, 1933.

Senate called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

The following bills and resolves were received and on recommendation by the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs

Mr. Fernandez of Penobscot presented resolve in favor of the city of Old Town. (S. P. 44)

Sent down for concurrence.

Judiciary

Mr. Viles of Kennebec presented bill an act relating to advertising of intoxicating liquors for sale. (S. P. 54)

Mr. Bissett of Cumberland presented bill an act legalizing the exhibition of motion pictures under certain conditions on Sunday. (S. P. 50)

Mr. Robie of Cumberland presented bill an act relating to horse racing and creating a state racing commission. (S. P. 45)

(500 copies of each ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Robie of Cumberland presented bill an act to incorporate the town of Brunswick School District. (S. P. 49)

(On motion by Mr. McDonald of Washington, tabled pending reference and especially assigned for later in this morning's session.)

Public Health

Mr. Story of Aroostook presented bill an act for the regulation of the practice of hairdressing and beauty culture. (S. P. 47)

Mr. Weatherbee of Penobscot presented bill an act relative to marathon and other competitive dances. (S. P. 48)

(500 copies of each ordered printed.)

Sent down for concurrence.

Salaries and Fees

Mr. Littlefield of York presented

bill an act relating to legislative salaries. (S. P. 53)

(500 copies ordered printed.)

Temperance

Mr. Jackson of Sagadahoc presented bill an act regulating the sale of intoxicating liquors. (S. P. 52)

(1000 copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Weeks of Somerset presented resolve in favor of the town of Fairfield. (S. P. 51)

Sent down for concurrence.

Pensions

Mr. Bissett of Cumberland presented resolve providing for a state pension for Rose M. Charlesworth of Portland. (S. P. 46)

Sent down for concurrence.

Education

Mr. Viles of Kennebec presented resolve in favor of Elsie T. McKenney of Waterville. (S. P. 55)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Viles of Kennebec presented bill an act relating to closed seasons in the several waters of the State. (S. P. 56)

(500 copies ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Murchie of Washington presented bill an act to correct technical errors in various laws. (S. P. 58)

Sent down for concurrence.

Legal Affairs

Mr. Blaisdell of Hancock presented bill an act to incorporate the Sullivan Water District. (S. P. 59)

Sent down for concurrence.

Pensions

Mr. Viles of Kennebec presented resolve in favor of state pension for Lucy Cuddy of Augusta. (S. P. 57)

Sent down for concurrence.

State Sanatoriums

Mr. Murchie presented bill an act relating to admittance of patients to state sanatoriums. (S. P. 60)

Sent down for concurrence.

Pensions

Mr. Bartlett of Oxford presented resolve providing for a state pen-

sion for Frances Hustus of Freedom. (S. P. 61)

Sent down for concurrence.

Orders

On motion by Mr. Weeks of Somerset, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, December 12, 1933 at eleven o'clock in the forenoon.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate, Joint Order from the House with reference to the pay of subordinate officers and employees of the Legislature, tabled yesterday by Mr. Weeks of Somerset pending passage in concurrence and today assigned.

Thereupon, that Senator presented the following amendment and moved its adoption:

"Senate Amendment 'A' to Joint Order with reference to the pay of subordinate officers and employees of the Legislature. Amend said order by striking out all after the word "be" in the second line of said order and inserting in place thereof the following: 'directed to pay to the officers and employees of the Senate and House, each week at the end 'hereof, for each day that the Senate and House are in actual session, an amount equal to the per diem rate of compensation paid to each, or his predecessor, for the last regular legislative session.'"

Senate Amendment "A" was adopted and the order as amended by Senate Amendment "A" received a passage.

Sent down for concurrence.

The President laid before the Senate, An Act to incorporate the town of Brunswick School District (S. P. 49), tabled earlier in today's session by Mr. McDonald of Washington pending reference and especially assigned for later in today's session; and on motion by that Senator the bill was referred to the Committee on Legal Affairs and five hundred copies ordered printed.

Sent down for concurrence.

The **PRESIDENT**: Is there any further business to come before the Senate before a recess is called to await the arrival of papers from the House? If not, may the Chair

urge upon the members of the Senate who are chairmen of the several joint standing committees that at the adjournment of the Legislature this morning over the week-end the bills referred to committees today be attended to and advertised for hearing. The Chair believes that it is the hope of a good many members of the Legislature that all hearings may be assigned not later than next Wednesday so that it will still be within the power of the Legislature to attend to the duties of this session and reach final adjournment before the close of next week. It is the opinion of the Chair that this can be done if the hearings are all advertised for not later than Wednesday and if we will all come back here next week and get to work and work hard.

On motion by Mr. Weeks of Somerset.

Recessed, until 11:30 o'clock.

After Recess

The Senate was called to order by the President.

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

From the House; out of order:

Bill "An Act to create the Wiscasset-Westport Bridge District." (H. P. 107)

In the House, referred to the Committee on Legal Affairs.

In the Senate:

The **PRESIDENT**: The Chair will advise the Senate that in addition to the papers from the House just disposed of in concurrence there has come to the Senate a jacket bearing the title, "An Act to create the Wiscasset-Westport Bridge District," and bearing the endorsement that it has been referred in the House to the Committee on Legal Affairs, but containing no word of print in the bill.

Under the order passed earlier in the week the Chair will rule, subject as always to the will of the Senate, that this is not a bill and not an item of legislation before the Senate. If this ruling is acceptable to the Senate the Chair will so declare it.

The Chair does so declare it.

From the House, out of order:

Bill "An act to impose a sales tax." (H. P. 123)

In the House, referred to the committee on taxation.

In the Senate:

The PRESIDENT: The Chair again advises the Senate that there has come to the Senate from the House a bill entitled "An act to impose a sales tax," the reference in the House being to the committee on taxation with printing of fifteen hundred copies ordered. There is no written word in the bill and in accordance with the ruling just made on the previous matter the Chair rules that this is not a bill properly before the Senate.

From the House, out of order: Bill "An act relating to taxation of machines for playing games." (H. P. 125)

In the House, referred to the committee on taxation.

In the Senate:

The PRESIDENT: The Chair advises the Senate that there has come from the House to the Senate a jacket labeled "An act relating to taxation of machines for playing games," which on the face of the bill contains these words only "Machines for playing games shall be taxed."

Under the Joint Rules, rule six provides quite definitely for a title on the bill. The Chair therefore rules that this is not a matter properly before the Senate.

From the House, out of order: Bill "An act relating to poll taxes." (H. P. 132)

In the House, referred to the committee on taxation.

In the Senate:

The PRESIDENT: Once again, and for the last time, the Chair feels obliged to call to the attention of the Senate that there has come from the House to the Senate a jacket labeled, "An act relating to poll taxes." There is no title on the bill and the bill contains merely the words "Poll taxes must be paid before citizens can vote." It is possible, the Chair assumes, disregarding the question of mechanics, that this might be considered a bill without a title, but it is so obviously a subterfuge to get around the rule for closing legislation that the Chair rules that this is not a bill for the consideration of the Senate.

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

The PRESIDENT: Is there any further business to come before the Senate? The Chair will say that a request has come from the House that the Senate do not adjourn until further papers are forwarded from that body.

Mr. BLAISDELL of Hancock: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator from Hancock, Senator Blaisdell, rises to a point of personal privilege which he may state.

Mr. BLAISDELL: Mr. President, for the benefit of the record—and I will state my own error in the matter—I failed to introduce through the regular channel a very pretty and impressive petition as a remonstrance against the lottery bills and the repeal of the Eighteenth Amendment, which is signed by seventeen children. I wish to say that in all my years of coming to this Legislature this is the most impressive petition that I have ever received or have ever seen introduced. It comes from the Friendship Club in the town of Stonington, Maine, and bears the following signatures: Nellie Davis, aged 19; Glenice Noyes, aged 16; Woodrow Cousins, aged 15; Charlotte Greenlaw, aged 16; Edith Fitzpatrick, aged 18; Esther Billings, aged 16; Thurlow Pitts, aged 14; Hilda Barter, aged 14; Perley Kent, aged 15; Grace Gross, aged 13; Bertrand Snow, aged 14; Edith Robinson, aged 24; Adrian B. Hooper, aged 19; Mildred Wood, aged 19; Valmore Greenlaw, aged 18; Fulton Weed, aged 16; and Lowell A. Kent, aged 17.

I think, Mr. President, that that is the strongest and most impressive remonstrance-petition that I have ever seen or have known to be introduced into the Senate.

Mr. WEEKS of Somerset: Mr. President, I wish to move that the joint order for the closing of legislation previously passed be suspended in order that we may reconsider our action taken earlier this morning in refusing to receive into the Senate four bills which were referred to committee by the House

and no action taken here except to reject them.

The motion prevailed.

Mr. WEEKS: Mr. President, I now move that the Senate reconsider its vote taken earlier today whereby it refused to receive, "An act relating to poll taxes." (H. P. 132)

The PRESIDENT: The Senator from Somerset, Senator Weeks, moves that the Senate reconsider its vote of this morning, or, to more properly phrase it, its approval of the ruling of the Chair this morning whereby reception of this bill was refused.

The motion to reconsider prevailed.

Thereupon, on motion by Mr. Weeks of Somerset, the bill was received and referred to the Committee on taxation in concurrence.

Mr. WEEKS of Somerset: Mr. President, there are three other bills and I understand that they are the only ones that are now pending upon which joint action has not been taken. While personally I feel that the rules should be lived up to as far as possible, I realize that these bills were placed in the hands of officers of the Senate or House with the understanding that the bill was to be prepared and properly submitted; and I make the same motion with regard to these three.

The PRESIDENT: The Senator from Somerset, Senator Weeks, moves that the Senate reconsider its approval this morning of the ruling of the Chair whereby, "An Act to impose a sales tax" (H. P. 123), was rejected. Is this the pleasure of the Senate?

Mr. BLAISDELL of Hancock: Mr. President, the question is arising here very prominently as to whether the Senate is taking action that amounts practically to an appeal from the ruling of the President of the Senate and I do not think that we ought to sit here and see the President's rulings overruled unless we are dissatisfied with them. For that reason I move that when the vote is taken on the pending question it be taken by a rising vote.

The PRESIDENT: The Chair would like to be permitted to state, before the vote is taken, that it is the understanding of the Chair that the proposed action is overruling the ruling of the Chair. On the other hand, the Chair will state that the

overruling is with its full knowledge and consent. As the Senator from Somerset, Senator Weeks has stated, these bills were received by an officer of the House acting in reliance on the fact that the Maine Legislature had never lived up to its rules, and that officer of the House advised the Representatives presenting the bills that they would be taken care of.

As much as the Chair regrets to see the Maine Legislature adopt rules only to abandon them, the Chair feels that it is better that the ruling of the Chair should be disturbed than that such an act on the part of an officer of the House should be repudiated. Under these circumstances, does the Senator from Hancock, Senator Blaisdell, desire a division?

Mr. BLAISDELL: Mr. President, in view of the statement of the Chair I withdraw my motion.

Mr. LITTLEFIELD of York: Mr. President, I don't care a thing about this but I do hate to see the President overruled in this particular case. Now, I had nothing to do with this matter but listen, but it is my understanding that these bills had been in the possession of someone in the House to draft them since last Monday and he had never taken interest enough in them to come and see that they were drafted until this morning, when it was too late. Now, it may be all right and I shall not say any more about it, but I tell you we are getting too soft. That is all there is about that.

The PRESIDENT: The Senator from Somerset, Senator Weeks, has moved that this bill, An Act to impose a sales tax, House Paper 123, be received and referred to the Committee on Taxation in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Weeks of Somerset, the Senate voted to reconsider its action of this morning whereby it accepted the ruling of the Chair that, "An Act to create the Wiscasset-Westport Bridge District" (H. P. 107), was not properly before the Senate; and on further motion by the same Senator the bill was received and referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Weeks of

Somerset, the Senate voted to reconsider its action of this morning whereby it accepted the ruling of the Chair that, "An Act relating to taxation of machines for playing games" (H. P. 125), "was not properly before the Senate; and on further motion by the same Senator the bill was received and deferred to the Committee on Taxation in concurrence."

The PRESIDENT: The Chair will again state that the Senate has occasion to await further papers from the House and will express the hope that while the Senate is at ease the members will stay in their seats so that upon receipt of the papers they may be promptly acted upon.

From the House, out of order:
"Resolution asking the Justices of the Supreme and Superior Courts to make a voluntary contribution of a percentage of their salaries to the State." (H. P. 82).

In the House, the resolution was adopted.

In the Senate:

Mr. WEEKS of Somerset: Mr. President, I move that the resolution be indefinitely postponed in non-concurrence.

Mr. McDONALD of Washington: Mr. President, is a quorum to do business present?

The PRESIDENT: If the Chair counts correctly there are nineteen members of the Senate, including the Chair, present. Seventeen would be a quorum of the full membership and there are two

vacancies. The Chair would understand that a sufficient number to properly transact business are present, as a quorum of the present membership would be sixteen.

The Senator from Somerset, Senator Weeks, moves that the resolution be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion to indefinitely postpone prevailed.

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

ORDERED, the Senate concurring, that the Controller be authorized to permit subordinate officers and employees of the Legislature, on signed statement from the Secretary of the Senate and Clerk of the House as to their employment, an advance on their pay in an amount not to exceed \$25.00 for any individual employee; said advance to be deducted from the final payroll of Legislative employees.

Comes from the House, Senate Amendment "A" indefinitely postponed in non-concurrence, that body insisting upon its former action whereby the order without amendment was passed.

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

On motion by Mr. Weeks of Somerset,

Adjourned, until Tuesday morning, December 12th at 11 o'clock.