

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

SENATE

Saturday, November 10, 1934.

Senate called to order by the President.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of yesterday read and approved.

Paper from the House, disposed of in concurrence.

Orders of the Day

On motion by Mr. Weatherbee of Penobscot, the Senate voted to reconsider its action taken yesterday whereby bill, "An Act to regulate the sale of intoxicating liquors" (H. P. 7, L. D. 8) as amended by House Amendments "A" and "B" was passed to be engrossed in concurrence.

Thereupon, the same Senator offered Senate Amendment "A" to Legislative Document 8 and moved its adoption:

"Senate Amendment 'A' to Legislative Document 8, Amend Section 2 of Legislative Document 8 by striking out the numeral '3000' in the second line thereof and inserting in place thereof the numeral '4000'."

Senate Amendment "A" was read and adopted; and the bill as amended by House Amendments "A" and "B" and by Senate Amendment "A" was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock,

Recessed until 11 o'clock this morning.

After Recess

The Senate was called to order by the President.

On motion by Mr. Littlefield of York,

Recessed, until 2 o'clock this afternoon.

After Recess

The Senate was called to order by the President.

From the House, out of order: Bill, "An Act to regulate the sale of intoxicating liquors" (H. P. 7, L. D. 8.)

(In the Senate, November 10, passed to be engrossed as amended by House Amendments "A" and

"B" and by Senate Amendment "A" in non-concurrence.)

Comes from the House, passage to be engrossed reconsidered, House Amendment "C" adopted, Senate Amendment "A" indefinitely postponed in non-concurrence and passed to be engrossed as amended by House Amendments "A," "B" and "C" in non-concurrence.

In the Senate, that body voted to reconsider its action taken earlier in today's session whereby the bill was passed to be engrossed as amended by House Amendments "A" and "B" and by Senate Amendment "A" in non-concurrence; Senate Amendment "A" was indefinitely postponed in concurrence; House Amendment "C" was read and adopted in concurrence.

Thereupon, on motion by Mr. Viles of Kennebec, the bill and amendments were tabled pending passage to be engrossed in concurrence.

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

From the House, out of order.

The Majority 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) reported the same in a new draft, under the same title (H. P. 11, L. D. 10) and that it ought to pass.

Signed,

Senators Bissett, McDonald, Representatives Bucknam, Littlefield, Leathers, Stover, Hobbs, Carter.

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

Signed,

Senator Farnsworth, Representative Tompkins.

Comes from the House, read the third time and passed to be engrossed as amended by House Amendments E, B and C and as amended by House Amendment "D" as amended by House Amendment "A" to House Amendment "D."

In the Senate, the majority report of the committee "ought to pass in new draft" (L. D. 10) was accepted in concurrence, the bill was given its first reading and on motion by Mr. Bissett of Cumberland the rules were suspended and the bill was given its second reading; House Amendment "B" was read and adopted in concurrence;

House Amendment "C" was read and adopted in concurrence; House Amendment "E" was read and adopted in concurrence. House Amendment "D" was read by the Secretary. House Amendment "A" to House Amendment "D" was read and adopted in concurrence.

Thereupon, Mr. Viles of Kennebec offered Senate Amendment "A" to Legislative Document 10 and moved its adoption:

"Senate Amendment 'A' to Legislative Document No. 10.

Amend Legislative Document 10 by striking out everything after the title thereof and substituting in place thereof the following:

'Sec. 1. Licenses for sale of liquor. 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 2nd 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. Provided, however, that the commission shall have discretion to grant licenses to hotels and clubs in cities and towns which vote not to permit the sale of liquor therein, but such licensee shall not sell such liquor to a resident of such city or town in which such hotel is located.

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

'Sec. 3. Provisions for clubs, etc. 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 2 full years prior to the application therefor and to bona fide hotels, steamboats and railroad dining cars on payment of the fees herein provided subject, however, to the condition that the applicant 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. In the case of seasonal resort hotels and seasonal resort clubs no approval of municipal of-

ficers shall be necessary. 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 package to registered room guests. No liquor shall be sold or dispensed by any licensee on any election day until one hour after the closing of the polls; nor on Sundays except to registered hotel guests, club members or their guests, and passengers on trains or vessels. No licensee shall employ a minor to sell or transport liquor.

'Sec. 4. License fees. The fee for such license shall be for hotels and clubs not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) per year as determined by the commission by regulation, and for railroad and car corporations and steamship companies fifty dollars (\$50) per year. In the case of railroad and car corporations and steamship companies, such license shall be operative throughout the state and only one such license shall be required for all cars or vessels operated in the state by the same owner.

'Sec. 5. Liquor to be purchased from commission. 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.

'Sec. 6. Eligibility for appointments. 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.

'Sec. 7. Interpretation. 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 PRESIDENT: The Chair will state that this amendment, like House Amendment "D," completely eliminates the bill and rewrites it except for the title.

Mr. LITTLEFIELD of York: Mr. President, may I inquire if that amendment cuts out the restaurants entirely?

The PRESIDENT: The Chair so understands.

Mr. LITTLEFIELD: And, Mr. President, do I understand correctly that it also cuts out entirely the local option.

The PRESIDENT: The Chair understands that it cuts out local option entirely as far as hotels and clubs are concerned. It leaves local option for railroad dining cars and steamboats. The Chair understands that the effect of the amendment is to wipe out everything in the bill as originally written or as written in by any amendment adopted in the House which is the reason that this amendment is entitled Senate Amendment "A" to Legislative Document No. 10 rather than Senate Amendment "A" to House Amendment "D."

Thereupon, on motion by Mr. Littlefield of York, the bill and the amendments were laid upon the table pending adoption of Senate Amendment "A."

The President laid before the Senate bill, An Act to regulate the sale of intoxicating liquors (H. P. 7, L. D. 8), tabled earlier in today's session by Mr. Viles of Kennebec pending passage to be engrossed as amended by House Amendments "A," "B" and "C" in concurrence; and the Chair recognized that Senator.

Mr. VILES of Kennebec: Mr. President, I will yield to the Senator from Hancock, Senator Blaisdell.

Mr. BLAISDELL of Hancock: Mr. President, the purpose for which the Senator from Kennebec, Senator Viles, laid this matter upon the table was that of offering an amendment but in looking at the statute involved, passed in 1933, it would seem that an amendment at this time would be out of order, much to my complete satisfaction, so I will yield the floor to any senator who wishes to propose action on the pending question.

The PRESIDENT: The pending action—there is no pending question as there is no motion before the Senate—is passage to be engrossed. Is it the pleasure of the Senate that the bill as amended by House Amendments "A," "B" and "C," be passed to be engrossed in concurrence?

Thereupon, Legislative Document 8 as amended by House Amendment "A," House Amendment "B"

and House Amendment "C" was passed to be engrossed in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, bill, An Act to provide for the control and regulation of intoxicating liquor, in new draft, (H. P. 11, L. D. 10), temporarily tabled a few minutes ago by that Senator pending adoption of Senate Amendment "A."

The PRESIDENT: The pending question is the adoption of Senate Amendment "A" proposed by the Senator from Kennebec, Senator Viles. Is it the pleasure of the Senate that Senate Amendment "A" to Legislative Document No. 10 be adopted?

Mr. WEATHERBEE of Penobscot: Mr. President, I hope that the amendment may not be adopted. The hotel fees are plainly altogether too low.

The PRESIDENT: Will the Senator bear with the Chair for just a moment?

Mr. WEATHERBEE: Certainly, Mr. President.

The PRESIDENT: The Chair suggests that since this is a long and involved amendment the Senate permit the bill to be engrossed in sufficient quantity so that we may all have a chance to see what the provisions of the bill are. Will that be satisfactory to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE: Yes, Mr. President.

Thereupon, Senate Amendment "A" to Legislative Document 10 was adopted.

Mr. Viles of Kennebec offered Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B' to Legislative Document Number 10 entitled, 'An Act to provide for the control and regulation of intoxicating liquor.' Amend said bill by inserting after the title thereof the following words: 'Be it enacted by the people of the State of Maine, as follows:.'"

Senate Amendment "B" was adopted.

The Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "A" to House Amendment "D" was adopted. Thereupon, House Amendment "A" to House Amendment "D" was indefinitely postponed in non-concurrence; House Amendment

"D" was indefinitely postponed in non-concurrence.

The Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "C" was adopted in concurrence. Thereupon, House Amendment "C" was indefinitely postponed in non-concurrence.

The Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "B" was adopted in concurrence. Thereupon, House Amendment "B" was indefinitely postponed in non-concurrence.

The Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "E" was adopted in concurrence. Thereupon House Amendment "E" was indefinitely postponed in non-concurrence.

Legislative Document Number 10 as amended by Senate Amendment "A" and Senate Amendment "B" was then passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Littlefield of York,

Recessed, until 8:30 o'clock this evening.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair will state that Legislative Document Number Ten, the redraft of Legislative Document Number Five, was held in the Senate at the request of the Senator from Kennebec, Senator Viles, who proposed Senate Amendments "A" and "B," and the Senator from Kennebec, Senator Viles, this document not being on the table, moves that the Senate reconsider its action taken earlier in today's session whereby the bill was passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" in non-concurrence. Is this the pleasure of the Senate?

The motion to reconsider prevailed.

The PRESIDENT: The Secretary will read the previous action of the Senate in this matter for the information of the Senators.

The Secretary so read.

Thereupon, on motion by Mr. Viles of Kennebec, the Senate voted to reconsider its action taken

earlier in today's session whereby Senate Amendment "A" was adopted; and on further motion by the same Senator Senate Amendment "A" was indefinitely postponed.

On motion by the same Senator, the Senate voted to reconsider its action taken earlier in today's session whereby Senate Amendment "B" was adopted; and on further motion by the same Senator Senate Amendment "B" was indefinitely postponed.

Mr. VILES of Kennebec: Mr. President, I would like to say to the members of the Senate that I was innocently drawn into this matter. I introduced this amendment by request and I find that some parts of the amendment have been crossed out with pencil and it is not at all an amendment such as I would care to offer. As I understand it, members of the Senate, this returns the matter to the form in which it came from the House.

The PRESIDENT: The Chair will state that it returns now to the form in which it came from the committee, as far as this body is concerned, all amendments being rejected. As a matter of course, the Chair assumes that the Senate will put it back into the shape in which it came from the House.

Mr. VILES: That is my desire, Mr. President, except that I have one small amendment to offer.

The PRESIDENT: If the Senator is willing perhaps it would be better to go through the routine in the regular order.

Mr. VILES: Certainly, Mr. President, and I will offer the amendment at the proper time.

Thereupon, on motion by Mr. Viles of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "E" was indefinitely postponed in non-concurrence; and on further motion by the same Senator House Amendment "E" was adopted in concurrence.

On motion by the same Senator the Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "B" was indefinitely postponed in non-concurrence; and on further motion by the same Senator House Amendment "B" was adopted in concurrence.

On motion by the same Senator the Senate voted to reconsider its action taken earlier in today's ses-

sion whereby House Amendment "C" was indefinitely postponed in non-concurrence; and on further motion by the same Senator House Amendment "C" was adopted in concurrence.

On motion by the same Senator the Senate voted to reconsider its action taken earlier in today's session whereby House Amendment "D" as amended by House Amendment "A" to House Amendment "D" was indefinitely postponed in non-concurrence; and on further motion by the same Senator House Amendment "A" to House Amendment "D" was adopted in concurrence. Thereupon, House Amendment "D" as amended by House Amendment "A" to House Amendment "D" was adopted in concurrence.

The PRESIDENT: The Chair will state that he now thinks that we have gone back.

Mr. VILES: Mr. President, I wish to thank you for your courtesy in the matter and apologize to the Senate for the time taken in going through the necessary motions.

Thereupon, on motion by Mr. Viles of Kennebec, the Senate voted to reconsider its action taken a few minutes ago whereby it adopted House Amendment "D" as amended by House Amendment "A" to House Amendment "D" in concurrence.

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

"Senate Amendment 'A' to House Amendment 'D' to Legislative Document No. 10. Amend House Amendment 'D' to Legislative Document No. 10 by inserting after the word 'wine' in the thirteenth line of Section 3 as it appears in said amendment, the following: 'in the case of seasonal resort hotels and seasonal resort clubs no approval of municipal officers shall be necessary.'"

Mr. WEATHERBEE of Penobscot: Mr. President, will the Senator who introduced this amendment make some explanation to the Senate?

Mr. VILES of Kennebec: Mr. President, I offered this amendment at the request of the owners of summer resort hotels in very small places where there is a very large investment in this property. It relieves them of a political situation which might exist because of the very few voters in the town who might not, because of local conditions, be able to obtain the

approval of the selectmen. They would, however, be obliged to obtain approval of the Liquor Commission. They have such large investments in those places it seems to them it is proper and fair to obtain in those places only the approval of the Liquor Commission, which must, of course, be obtained before they can operate.

Mr. WEATHERBEE of Penobscot: Mr. President, I would like to ask the Senator from Kennebec, Senator Viles, a question through the Chair, if I may.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, desires to ask a question through the Chair of the Senator from Kennebec, Senator Viles, and that Senator may answer if he wishes.

Mr. WEATHERBEE: Mr. President, under this amendment might one not start a small hotel up, we will say, in Presque Isle, and intend to operate just during the summer, and still be a seasonal hotel?

Mr. VILES: Mr. President, it is my understanding that a hotel which operates only a part of the year would be a seasonal hotel.

Mr. WEATHERBEE: So these seasonal hotels might be started in any towns that voted against license? It seems to me it opens quite a door, Mr. President.

Mr. VILES: That is true; it does.

Mr. WEATHERBEE: There is great danger in legislating for a special class. Rarely can it be done without opening a very wide door for vast abuses. The hotel men came in and put in the first amendment and have taken two or three hours of our time, and that amendment was very, very poorly drawn. For instance, "no liquor shall be sold under any license issued under the provisions of this bill except during such hours as the dining room of the licensee is open for the purpose of supplying food to guests." That would give them a perfect right to run a bar in that hotel providing they ran it just during the hours their dining room was open for the purpose of serving guests. It does not provide that the liquor shall be served in the dining room at all. A bar may fit. That was offered in the late hours of this session and in this congestion. I do not think it is fair to do that with us and I do not think that we ought to adopt this particu-

lar amendment. It is too broad. It will make possible vast abuses and because somebody surmises in one or two isolated instances in the State of Maine the municipality may not be on good terms with the hotel—it is a mere supposition and a fear perhaps unfounded. I think the best thing to do is reject it and let this bill be passed to be engrossed and go on its way as the House left it. I ask that when the vote is taken it be a rising vote.

Mr. VILES: Mr. President, may I ask the Senator from Penobscot, Senator Weatherbee, a question through the Chair?

The PRESIDENT: The Senator from Kennebec, Senator Viles, wishes to ask a question of the Senator from Penobscot, Senator Weatherbee, through the Chair, and that Senator may answer if he desires.

Mr. VILES: I would like to ask, Mr. President, of the Senator from Penobscot, Senator Weatherbee, if he deems it advisable to attempt to cover the situation in any way?

Mr. WEATHERBEE: No, I do not. I think the hotel men should have attended to this, themselves, and attended to it seasonably and in the proper manner and not come in here and just ask us to protect them and subject one or perhaps two hundred others to the inconvenience that would result by accepting this amendment. I do not think it should be adopted at all.

The PRESIDENT: The motion before the Senate is that of the Senator from Kennebec, Senator Viles, that Senate Amendment "A" to House Amendment "D" be adopted, and the Senator from Penobscot, Senator Weatherbee, has asked for a division.

A division of the Senate was had.

None having voted in the affirmative and twenty-five opposed, the amendment was not adopted.

Thereupon, the bill as amended by House Amendment "E," House Amendment "B" and House Amendment "C," and as further amended by House Amendment "D" as amended by House Amendment "A" to House Amendment "D" was passed to be engrossed in concurrence.

On motion by Mr. Littlefield of York, out of order, and under suspension of the rules, it was

Ordered, the House concurring,

that each member of the House and Senate be furnished four copies of each bill passed during this special session of the Legislature, for purposes of distribution, said copies to be sent immediately after adjournment.

Sent down for concurrence.

Report of Committee

(Out of order)

Mr. Farnsworth from the Joint Standing Committee on Temperance submitted its final report.

Which report was read and accepted and sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed until 10 o'clock this evening.

After Recess

The Senate was called to order by the President.

Passed to Be Enacted

(Out of order)

An Act authorizing the licensing of distilleries, breweries and wineries (S. P. 2, L. D. 1)

An Act relating to advertising of liquors for sale. (H. P. 4, L. D. 2)

(Emergency Measure)

(Out of order)

An Act to regulate the sale of intoxicating liquors. (H. P. 7, L. D. 8)

Which act being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

On motion by Mr. Weeks of Somerset,

Recessed until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House, out of order:

An order relating to an investigation of the Maine State Prison. (H. P. 10)

Comes from the House, indefinitely postponed.

In the Senate:

The PRESIDENT: Under the Senate rules this paper should be read once from the desk. Unless some member desires it read the Chair would be glad to entertain

the motion that it be indefinitely postponed in concurrence.

Thereupon, on motion by Mr. Abbott of York, this order was indefinitely postponed in concurrence.

From the House, out of order:

An order relating to expenses of legislators for attendance upon this special session.

Comes from the House indefinitely postponed.

In the Senate:

The PRESIDENT: Does any member of the Senate wish to have this order read?

Thereupon, on motion by Mr. Abbott of York, the order was indefinitely postponed in concurrence.

Out of order and under suspension of the rules, Mr. Viles of Kennebec was given unanimous consent to present: "Resolve in favor of the clerks and stenographers of the several committees of the 86th Legislature for the Special Session".

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

Sent down for concurrence.

Out of order and under suspension of the rules, Mr. Viles of Kennebec was given unanimous consent to present: "Resolve on the payroll of the Senate".

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

Sent down for concurrence.

Out of order and under suspension of the rules, Mr. Viles of Kennebec was given unanimous consent to present: "Resolve on the payroll of the House of Representatives".

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

Sent down for concurrence.

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

Passed to Be Enacted

(Out of Order)

An Act to provide for the control and regulation of intoxicating liquor (H. P. 11, L. D. 10)

Finally Passed

(Out of order)

Resolve on the pay roll of the House of Representatives.

Resolve on the pay roll of the Senate.

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

On motion by Mr. Weatherbee of Penobscot, it was

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

The President appointed Mr. Weatherbee of Penobscot to convey the message.

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

On motion by Mr. Weeks of Somerset, it was

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

Sent down for concurrence.

The President appointed on the part of the Senate, Senators Weeks of Somerset, Story of Aroostook and Bartlett of Oxford.

Subsequently the foregoing order came back from the House read and passed in concurrence, the Speaker having joined on the part of that branch Representatives Tupper of Calais, Mack of Veazie, Bartlett of Eliot, Walker of Rockland, Russ of Woodstock, Belanger of Winslow, Hamel, Napoleon of Lewiston.

The Committee retired, and subsequently Mr. Weeks for the Committee reported that the Committee had delivered the message with which it was charged, and that the Governor was pleased to state that

he had no communication to make, except such communication as he would make through the Secretary of State.

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

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

November 10, 1934.

To the President of the Senate and the Speaker of the House of Representatives:

I herewith transmit a list of acts

and resolves passed by the present Legislature for the present session. I have approved a total of five acts and three resolves.

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

Which was read and sent to the House.

The President of the Senate then, on motion by Mr. McDonald of Washington at 1:08 A. M., Nov. 11, 1934, declared the Senate of the Eighty-sixth Legislature adjourned without day.