

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

Special Session, December 16, 1936

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA

Page 30—Millett should be Mallett.

Page 32—L. D. 940 Act relating to Senate should be S. P. 741 Act relating to Senate.

Page 32—H. P. 1886 Resolve on pay roll of House should be H. P. 1887 Resolve on pay roll of House.

HOUSE

Friday, December 18, 1936.

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

Prayer by the Rev. Dr. Wood of Augusta.

Journal of the previous session read and approved.

From the Senate: Joint order relative to invitation of the Governor to State of Vermont which was passed in the House on December 17.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Hill of South Portland, it was voted to recede and concur with the Senate in the indefinite postponement of this order.

Passed to Be Engrossed

S. P. 740, L. D. 940: An act relative to the Deer Isle-Sedgwick Bridge District.

H. P. 1883, L. D. 938: An act relating to unemployment compensation.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I offer House Amendment A and move its adoption. In explanation I would like to say that these changes do not change the substance of the bill but only its form and are intended to make it more in conformity with the language of our Maine statute.

House Amendment A to H. P. 1883, L. D. 938 bill an act relating to Unemployment Compensation.

Amend such bill by striking out all of the third paragraph of the emergency preamble thereto.

Further amend said bill by striking out the semi-colon at the end of the fourth paragraph of the emergency preamble, and inserting in place thereof the words "and require the following legislation as immediately necessary for the preservation of the public peace, health, and safety;"

Further amend said bill by inserting after the word "supreme" in the 28th line of paragraph i of section 6 the word "judicial."

Further amend said bill by inserting after the word "supreme" at the end of the third line of section 24 the word "judicial."

Further amend said bill by striking out the word "fined" in the second line of the last sentence of paragraph g of section 11, and inserting in place thereof the words "punished by a fine of"; and further amend said sentence by striking out the word "imprisoned" in the last line thereof and inserting in place thereof the words "by imprisonment"; and further amend said sentence by striking out the word "longer" in said last line and inserting in place thereof the words "more than."

Further amend said bill by striking out the word "fined" in the third line of the last sentence of paragraph a of section 15, and inserting in place thereof the words "punished by a fine of"; and further amend said sentence by striking out the words "be imprisoned" at the end of the fourth line thereof, and inserting in place thereof the words "by imprisonment."

Further amend said bill by striking out the word "fined" in the second line of the last sentence of paragraph b of section 15 and inserting in place thereof the words "punished by a fine of"; and further amend said sentence by striking out the word "imprisoned" in the third line and inserting in place thereof the words "by imprisonment".

Further amend said bill by striking out the word "longer" wherever it appears in paragraphs a, b and c of section 16 and inserting in place thereof the word "more".

Further amend said bill by striking out at the end of the emergency clause at the end of said bill the words "by the Governor".

On motion by Mr. Scates of Westbrook the bill and amendment temporarily tabled for examination.

After conference with the Chair, Mr. Scates addressed the House as follows:

Mr. SCATES: Mr. Speaker, I move to take from the table the bill and amendment just tabled by me as I have been assured by the Chair, and by the Clerk, and also I assume by the gentleman from Cape Elizabeth (Mr. Philbrick) that it does not materially affect in any way the bill but is merely to correct some typographical errors. If that is the fact, and I assume it is, I move to take it from the table.

The motion prevailed, and Amendment A was adopted by a viva voce vote, the bill had its third

reading and was passed to be engrossed as amended by House Amendment A, and sent up for concurrence.

Recessed until 11 a. m.

Report of Committee

(Out of order)

Mr. FLANDERS from the Committee on Appropriations and Financial Affairs on bill an act relating to Old Age Assistance" (H. P. No. 1884) (L. D. No. 939) reported same in a new draft (H. P. No. 1886) under the same title and that it ought to pass.

Mr. FLANDERS of Auburn: Mr. Speaker, I move the acceptance of the committee's report. I think perhaps some explanation of the committee's action is in order at this time.

The committee met yesterday and were unanimously in favor of the old age assistance. There was merely the question in what way and from what source can this money come. We spent an hour and a half or two hours trying to find some appropriation from which it could be transferred so that we might continue this old age assistance. The October monthly payment to the old age assistance was deferred because there was no money set up for that purpose. There is left less than \$25,000 in the contingent fund at the present time, and in July there was set aside from the contingent fund \$216,998-20 for old age assistance. Since that time, in five months, there has been used \$202,198.61 for that purpose. This is at the rate of about \$40,439.70 per month.

Now I think that the committee and every member of this House do not want to see old age assistance stopped at this time, which is a critical time for them with winter coming on. The only place that we could find available was to put a ten per cent tax on liquor for that purpose. That could be easily operated. We took it up with the Controller and he said that was the only place where quick revenue could be had. The committee is unanimous in recommending a ten per cent tax on liquor temporarily for the next six months. Now I hope—and I think it is in the heart of every man here—that this old age assistance can go on as in the past. I trust this will have the unanimous support of this body.

Mr. THOMPSON of Belfast: Mr. Speaker and members: I am the lone Democratic member of the committee on Appropriations and Financial Affairs, and this is my final appearance in this Legislature. I have been a member of this House for six years and I have played politics on a good many things but I never have played politics on old age assistance, relief or human misery, and I do not believe in passing the buck to the next Legislature. I sincerely hope that the members of this House will not shirk their duty for it is our responsibility to appropriate money to carry on every Department until July 1st, 1937. I am not going to say, like the gentleman from Falmouth, Mr. Willey, "God save the State of Maine", but I am going to say that if you do not pass this bill with a revenue measure attached, God have mercy on the aged people of the State of Maine (Applause)

Thereupon it was voted to accept the report of the committee and the bill was tabled pending printing under the Joint Rules.

The SPEAKER: The Chair will say that this bill will be promptly printed and in the hands of the members of the House so that they may see what it provides by one o'clock.

Recessed until 1:15 p. m.

AFTERNOON SESSION

1.15 P. M.

The SPEAKER: There has been placed on the desks of all members Legislative Document 941. Probably a part of you had not had an opportunity as yet to read the provisions of that bill, therefore, I will declare the House at ease for twenty minutes.

2.10 P. M.

The SPEAKER: I have been asked to convey a message to the members of the House from the Honorable Frank Mace of Augusta, a member of this body, who is now ill and confined to the hospital. He wishes me to extend to the members his compliments and his deep appreciation for the flowers sent him by this body.

A Printed Bill in First Reading

(Out of order)

H. P. 1886, L. D. 941: An act relating to old age assistance.

Mr. JACOBSON of Portland: Mr. Speaker, I move that the rules be suspended and the bill have its third reading at this time.

To suspend the rules a division of the House was had.

Ninety-two voting in the affirmative and two in the negative, the rules were suspended.

Mr. Flanders of Auburn offered House Amendment A to H. P. 1886, L. D. 941 as follows:

House Amendment A to House Paper 1886 Legislative Document 941.

Entitled an act relating to Old-Age Assistance.

Amend said act by adding after the word "bottle" in the seventh line of the first paragraph of section 1, the following words "all price lists of the Commission shall state the amount of tax levied on each bottle."

And further amend by striking out the last line of the second paragraph the words "the State Contingent Fund" and substituting in place thereof 'General Funds in the Treasury' and further amend by striking out the third and fourth paragraphs and substituting in place thereof the following: 'Sec. 2. **Appropriation.** There is hereby appropriated the sum of \$200,000.00 from said funds in the Treasury to provide for old-age assistance and its administration from January 1, 1937 to April 30, 1937, both dates inclusive, in accordance with the provisions of the Federal Social Security Act. This appropriation to be administered by the Bureau of Aid and Relief of the Department of Health and Welfare and to be under the direct supervision of the Governor and Council.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to have that laid on the table for a few moments until I can consult with the gentleman from Auburn (Mr. Flanders) because I have an amendment which I wish to offer along somewhat similar lines. I suppose it would confuse matters somewhat should I present my amendment now.

The SPEAKER: It would be well to defer it.

Mr. SCATES: I think it would be a good idea, Mr. Speaker, to have it mimeographed so that everyone may understand it. Therefore, I move to table the amendment.

A viva voce being taken, the amendment was tabled.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Willey.

Mr. WILLEY: Mr. Speaker, although I have not had it prepared, I would offer Amendment B inserting after the word "bottle," the words "or container."

The SPEAKER: The gentleman will reduce his amendment to writing.

(House at ease)

3.15 P. M.

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

Mr. SCATES: Mr. Speaker, I present an amendment to Legislative Document 941.

The SPEAKER: As a matter of procedure, Mr. Scates, the tabling of the amendment automatically tabled the bill; so will you kindly move to take the bill from the table.

Thereupon the bill and amendment were taken from the table.

The SPEAKER: The Clerk will read the amendment

Amendment B to Legislative Document No. 941

Strike out everything after the enacting clause and substitute the following:

Sec. 1. Continuation of old-age assistance. The plan established by order of the governor and council on December 27, 1935, whereby the state is enabled to avail itself of federal grants for old-age assistance; and to dependent children and aid to the blind, shall continue until otherwise provided by the legislature, except that the funds for old-age assistance and administration thereof, over and above the amounts set aside from the state contingent fund for that purpose, shall be provided from the general fund to an amount not exceeding \$125,000.

Sec. 2. In view of the emergency recited in the preamble, this act shall take effect when approved and expire April 15, 1937.

Mr. SCATES: Mr. Speaker, I am of the opinion that this is just a tempest in a teapot for the reason that in two weeks, or practically two weeks, the new Legislature is to convene. I will say now that I am thankful that I shall not be a member of that Legislature for the reason that during my extended ex-

perience in the Legislature for the past twenty or twenty-five years I have never known of a Legislature where such important matters will be brought before it as will come before the next Legislature; and to those few of you who will be members of that Legislature I extend my sympathy. There is no question but what you must raise five million dollars extra, and the question arises in my mind how you are going to do it. I confess that I do not know and could not offer you, or anyone else, any advice as to how that five million dollars can be raised. The next Legislature will have important matters to settle, and I might say here and now that that Legislature cannot settle those matters to the satisfaction of the people of this State. I sympathize not only with them but also with the Chief Executive who is to conduct the affairs of this State for the next two years. But that has nothing to do with this matter. (Laughter) As I said before, this is a matter of a tempest in a teapot. It does not amount to anything because the incoming Legislature has got to raise the money and that Legislature comes into session the sixth of January next. We have gotten along for the past two years and I think the State of Maine could get along for two weeks longer. So I think it is a matter of foolishness to bring this matter up here in this Legislature because it is not the province of this Legislature to enact laws and make appropriations which belong primarily to the incoming Legislature.

Now that amendment provides that you can raise, taken from the general fund, where the contingent fund is not sufficient, a sufficient amount of money for the poor,—the old age pension. I have just been down to the Controller's office, and I find these figures: The State paid for the month of November for old age pensions \$39,761, and the Federal government contributed a like amount. The expenses of administration of that law that belong to the State to pay—and the State pays all of the expenses except the five per cent which the Government pays—the State paid during that month for administration expenses, \$4,865. So you see, the drag on the State is not so much. There is today in the contingent fund \$27,000,

and all of the pension fund for December for this year has been paid. There is in the treasury today in cold cash, \$4,831,000. I think that the cash in the treasury today is more than it was two or four years ago. Of course that is earmarked, a part of it, but the actual cash is there.

Now you will say that this amount of money that should be taken from the general fund,—that possibly it has been earmarked and it is not there, so there cannot be anything taken from it. Let us look at this! Last year the State Poor Department was overdrawn \$843,000. That money was paid out with no appropriation for it. The law provided that it should be paid out but there was no appropriation for it. Still the Department went along, as it should in my opinion, and paid out over \$840,000 with no money earmarked for that purpose—exceeding the appropriation. I understand this year that it will mean in that one Department a deficit of a million dollars. So there are two million dollars, or \$1,800,000, that has been paid out by the Poor Department in excess of the appropriation. Now, that being the case, are you going to haggle about \$125,000 additional, if it is additional. That does not amount to anything and the next Legislature has got to provide for all of these things. It will have to make up that deficit somehow or other and this small amount will be paid anyway. If there is an overdraft of a million eight hundred thousand dollars for the outside poor, there is no reason why they cannot draw \$125,000 for old age pensions for those who have no money, no homes, and who have either got to receive that pension or become paupers.

I do not know as I have anything more to say about this matter except, finally, I extend to you members of the next Legislature my cordial sympathy. (Applause) I move the adoption of the amendment.

THE SPEAKER: I might say, Mr. Scates, that there is a parliamentary procedure we will have to take first. The Chair recognizes the gentleman from Bath, Mr. Sewall.

MR. SEWALL: Mr. Speaker, as a member from the committee on Appropriations I would like to say a few words on this tempest in a

teapot. I think that I feel, in common with the other members of the committee, that this is not an ideal bill that we have reported out. I wonder whether any member here believes in fact that an ideal bill could possibly be reported out of a committee with only a day's consideration and without a public hearing. Personally, I do not like to see legislation passed in that manner. I do not think it makes for good laws. But it seems to me that we are faced here with a very practical situation. We have been asked for an additional \$100,000, and while it may be true that we can transfer some of the appropriations that we have made, and continue, as in the past, to appropriate money that we have not got, I personally feel that that procedure is very unsound in principle. Because we have done it in the past, I do not feel that necessarily means that we should continue to do it in the future. Why is not this a perfectly good time to start raising money when we spend it?

Just another point on that! I think Mr. Scates has said that we have enough to continue through until the first of the year. I believe the figures submitted to us show that we could barely continue to that point, but it is going to take considerable time for the incoming Legislature to organize and so we believed that this measure was necessary to take care of the interim. Let us remember that this bill is nothing but a stop-gap. It is a way of keeping an activity going that we all believe in until such time as the incoming Legislature can in a regular manner find the necessary funds to place this old age pension plan on a permanent basis.

There have been some remarks about earmarking, apparently some objection to the earmarking of these funds, or connecting them up,—I refer to the liquor fund for old age pensions. As far as the contamination feature goes, I cannot feel that that is very real. Let us remember that those funds that are today going into the general fund, and funds that are now flowing out into the old age pension, apparently come from this source as far as earmarking is concerned. I feel strongly that this is a desirable thing to do. It seems to me that unless we definitely put a price tag on the various activities of government, it will be difficult to judge

the real value of those activities. While I feel strongly on this matter, I have told the members of the committee, and others with whom I have talked that, after all, this is only my personal opinion. The thing which stands out in my mind is that we are in the situation where we want this activity continued, and I believe that we must look at it in a practical way. I for one, will be glad to concede a little provided the principle is basically adhered to that, when we spend more money, we should raise it. Therefore, having in mind the difficulties that have been placed before the committee, and this body, and being also mindful of the situation in which the aged people, many of them, find themselves today, and with the desire of carrying this along in an orderly way to the next Legislature where this question can be dealt with in an orderly manner, I strongly favor the bill as put in by the committee, with, of course, the amendments attached thereto and submitted by the Chairman of the committee. Also there is another amendment that I would like to introduce at this time (which I might say has the approval of the committee, changing in a very minor way two provisions, as you will see by the amendment itself.

The SPEAKER: In order that there may be no confusion, will the gentleman from Bath (Mr. Sewall) present his amendment as House Amendment A to House Amendment A, which was the amendment presented by Mr. Flanders this afternoon?

House Amendment A to House Amendment A is as follows:

House Amendment A to House Amendment A to H. P. 1886, L. D. 941 entitled an act relating to Old Age Assistance

Amend said amendment by inserting after the word "the" at the end of the 9th line of the second paragraph thereof, the words "old age assistance provisions of the".

And further amend said Amendment by striking out after the word "administered" beginning on the tenth line of the second paragraph thereof, the words "by the Bureau of Aid and Relief of the Department of Health and Welfare and to be".

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr.

Sewall, to adopt House Amendment A to House Amendment A to H. P. 1886, L. D. 941.

Mr. JACOBSON of Portland: Mr. Speaker and members of the Eighty-seventh Legislature: I shall not have the opportunity to address you in the next Legislature, so I thought I would like to take advantage of it at this time; but seriously, Mr. Speaker, I do not agree with my brother from Bath, Mr. Sewall, in his remarks that it does not affect the aged whether it is earmarked or not. We can all remember the hue and cry over the lottery bill, which was earmarked to old age pension, in the last session, and we know the reaction it caused the old folks, and the arguments they advanced. Personally, I believe that the old folks do not like the idea of this money coming specially earmarked from liquor sales. We were not called in special session primarily to deal with this appropriation or to start a sales tax, of which this is only the beginning. As my associate from Westbrook (Mr. Scates) has stated, the Eighty-eighth Legislature will be in session in a few weeks, and we should not take away from it the right to meditate carefully over this situation and to decide for itself whether or not they should start the so-called sales tax which was opposed and turned down in the last Legislature.

This will be the start, there is no doubt about that. The consumer will pay the ten per cent and that will bring on the much hated sales tax. We have been informed that there is money enough to take care of this situation until the next Legislature meets, and after this amendment is voted on, we will be called upon to vote on the amendment offered by the gentleman from Westbrook, Mr. Scates, which, as I have said, I feel will take care of the situation until the next Legislature meets. I thank you.

Mr. FLANDERS of Auburn: Mr. Speaker, I did not intend to speak on this question again. I thought the people had it in mind so that they realized the seriousness of it and that it would go through without any more words from me.

I am not so fortunate as my good friend Scates or my brother Jacobson, for I have got to face the next Legislature. I have been working for the past three weeks on the ap-

propriations and finance committee where we were trying to find ways and means of paying the pension which we are discussing here today. Now, Mr. Scates says that there is quite a lot of money in the treasury. I presume there is, but I think you will find it all earmarked. As I said this morning, there was no money set up for the old age pension in October. That was omitted. I am told by those in authority that, unless some provision is made at this time, there will not be any money set up for this month for this reason: We have in the contingent fund today some twenty-five to twenty-seven thousand dollars which must last us until next July. If this be true how are we going to pay old age pensions during that time? I for one am not in favor of putting any more debt on the State. We have done that too long. I believe in the policy of pay as you go, and that is why we studied for a couple of hours yesterday trying to find some way to take care of this without putting on one hundred thousand or two hundred thousand dollars more.

Mr. SCATES: Mr. Speaker, I have listened to the discussion which has been made and this thought came to my mind and I would like to ask the committee on Appropriations about it. Are you going to discontinue the overdrafts for the outside poor? You have done it to the extent of a million eight hundred thousand dollars for the past two years. Are you going to stop that now, as well as your old age pension, or are you going to continue it? Why should we allow the old age pension when you have got \$1,800,000 which you have paid to the outside poor without any action or appropriation therefor? If you are going to stop one, why not stop them all?

The SPEAKER: The question before the House is on the adoption of House Amendment A to House Amendment A to H. P. 1886, L. D. 941, entitled an act relating to old age assistance. The Chair recognizes the gentleman from Kennebunkport, Mr. Wentworth.

Mr. WENTWORTH: Mr. Speaker, I do not presume to be as well up on the financial affairs of this State as the Appropriations Committee because they have made a study of it; but I presume the Governor is, and

why did he come before this body and ask for an appropriation of \$100,000?

Mr. MILLETT of Lee: Mr. Speaker, I believe that an individual, town or state should stand on their own feet and try to pay their bills as they go along. Thousands of old people in this State have not had a cent of assistance—hardly anyone up in my community—and I would like to see something done at this time. Even if it never amounts to anything I would like to see a start made so that the people of the State may get the idea that we are trying to do something. I think we should pass the bill and not pass the buck to somebody else.

Mr. HILL of South Portland: Mr. Speaker, the gentleman from Portland, Mr. Jacobson, made some reference to the question of the earmarking of the funds proposed to be raised by this bill for pension purposes. I should like to inquire of the gentleman from Auburn, Mr. Flanders, whether or not it is the purpose of House Amendment A, which the gentleman offered, to eliminate that earmarking feature.

The SPEAKER: The gentleman may answer if he wishes.

Mr. FLANDERS: That amendment was put on there to eliminate that feature.

Mr. JACOBSON: Mr. Speaker, I had reference to the bill itself. It creates a ten per cent tax on liquor. Whether or not you say that this shall be earmarked for old age assistance, the fact remains that it comes from liquor. That was the main thing that I had in mind.

Mr. DONAHUE of Biddeford: Mr. Speaker, it seems to me that it is not necessary for the Legislature to act on this situation at this time. During the past two days I have had occasion to consult some persons from sister states who are familiar with this problem and I understand that if the Legislature desires at this time to appropriate necessary funds it should first pass legislation complying with the requirements of the Federal law. It is not compulsory that such legislation be passed at this time and I believe it is a problem for the next Legislature. I likewise believe that the matter of appropriations which are incident to the major measure, belong to the incoming legislature.

Mr. WILLEY of Falmouth: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Falmouth, Mr. Willey, has moved the previous question. To entertain this motion requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question was ordered. The question now before the House is shall the main question be put now. As many as are in favor of the Chair putting the main question now will say aye, contrary minded no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question now is upon House Amendment A to House Amendment A to H. P. 1886, L. D. 941, and I will read the whole amendment.

(Amendment read by Speaker)

The SPEAKER: Is it now the pleasure of the House that House Amendment A to House Amendment A to H. P. 1886, L. D. 941 be adopted as amended?

A viva voce vote being taken, the amendment was adopted.

The SPEAKER: On the motion of the gentleman from Westbrook, Mr. Scates to adopt House Amendment B to L. D. 941, the House will now take action, and I will ask the Clerk to read that amendment.

(House Amendment B read by the Clerk).

Mr. SCATES: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Westbrook rise?

Mr. SCATES: Just to explain the matter somewhat from a parliamentary point of view.

The SPEAKER: The previous question has now been ordered, Mr. Scates.

Mr. SCATES: Mr. Speaker, as I understand it, this amendment is the crux of the whole matter. I am not debating it. I have endeavored to get some measure that will pass this House. If that is voted down all right, as it may be when the final vote is taken. I shall vote for

the adoption of the amendment and I hope others will.

Mr. JACOBSON of Portland: Mr. Speaker, I ask when the vote is taken it be taken by a division of the House.

The SPEAKER: The question now before the House is on the adoption of amendment B to the original bill, introduced by Mr. Scates of Westbrook. Are you ready for the question? All those in favor of Amendment B will rise and stand until counted, and the monitors will return the count.

A division of the House was had, Twenty-six voting in the affirmative and 88 in the negative, Amendment B failed of adoption.

The SPEAKER: The question now is on the passage of the bill to be engrossed as amended by House Amendment A. All those in favor of the passage of the bill to be engrossed as so amended will say aye, those opposed no.

A viva voce vote being taken, the bill was passed to be engrossed as amended by House Amendment A and sent up for concurrence.

Bill on its passage to be enacted, out of order, under suspension of the rules.

(Emergency Measure)

H. P. 1885: An act to legalize meetings of the Presidential Electors of the State of Maine for the year 1936.

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 twenty-nine voting in the affirmative and none in the negative, the bill was passed to be enacted.

HOUSE AT EASE

5.40 p. m.

The following resolve was presented by Mr. Flanders of Auburn, under suspension of the rules, and out of order, given its two several readings without reference to a committee, passed to be engrossed and sent up for concurrence: H. P. 1887: Resolve on the payroll of the House of Representatives.

FINAL REPORT (Out of order)

From the Senate: The final report of the committees on Judiciary and Labor.

Comes from the Senate report read and accepted.

In the House, report read and accepted in concurrence.

On motion by Mr. Jacobson of Portland, the House recessed until 7 p. m.

EVENING SESSION

7.38 p. m.

Paper from the Senate out of order.

From the Senate: S. P. 741: Resolve on the payroll of the Senate.

Comes from the Senate received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

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

Bill on its passage to be enacted, out of order, under suspension of the rules.

(Emergency Measure)

H. P. 1883; L. D. 938: An act relating to unemployment compensation.

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. Are you ready for the question?

Mr. JACOBSON of Portland: Mr. Speaker, I move that we have the yea and nay vote.

The SPEAKER: In order to have the yea and nay vote, it is necessary that one-fifth the members present shall support the motion. All those in favor of the motion of the gentleman from Portland, Mr. Jacobson, will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth the membership having arisen, the motion prevails and the yeas and nays are ordered. During the roll call no member shall leave his seat. The Clerk will call the roll.

YEA—Alden; Austin, Parkman; Ayer, Belaire, Boucher, Bragdon, Brown, Burgess, Burnham, Burrill, Bushey, Cambridge, Carleton, Carswell; Chase, Baring; Chase, Limington; Chase, Sebec; Churchill; Clark, Plymouth; Clarke, Cooper; Cole, Connolly, Coolidge, Cote, Crowell, Cummings, Currier; Davis, Fairfield; Davis, Newfield; Deering, Demers, Desmond, Devereux, Donahue, Donovan, Dorr, Dow; Doyle, Caribou; Drisko, Eddy, Elliot; Ellis, Castle Hill; Ellis, Rangeley; Findlen, Flanders, Forbes; Forgue, Lewiston; Fortin, Fowles, Gleason, Goss, Graves; Gray, Brooksville; Gray, Presque Isle; Hagan, Hall, Hammond; Harriman, Gardiner; Harriman, Prospect; Haskell, Hathorn, Heald, Hearn, Hescoock, Higgins, Hill, Hobbs, Jacobson, Jillson, Kendrick, Labbee, Lancaster, Latno, Lausier, Lebel, Leclair, Lewis, Lindsey, MacKenzie, Maheu, Mallett; Martin, Dexter; Martin, Oakland; Mason, McKay, Mosher, Newton, Oliver, Palmer, Parsons, Patterson, Payson, Phair, Philbrick, Poulin, Proctor, Richardson, Russ, Ryder, Sawyer, Scates, Seabury, Sennett, Sewall, Shaw, Sleeper; Smith, Bangor; Smith, Van Buren; Stickney, Stilphen, Stoddard, Story; Thompson, Belfast; Thompson, Chelsea; Thurston, Vaughan, Wallace, Weatherbee, Webber, Wentworth, Wheeler, Woodbury, Worthen, Wright, Young.

NAY—Eveleth, Willey.

ABSENT—Austin, Exeter; Bramson, Bubar, Cook, Crosby, Dennett; Doyle, Skowhegan; Fogg, Rockland; Gibbons, Hastings, Jandreau, Kilroy, King, Leonard, Mace, Noyes, Pike, Rush, Sprague.

Yes—125.

No—2.

Absent—19.

The SPEAKER: One hundred and twenty-five having voted in the affirmative and two in the negative, more than the required two thirds having voted in the affirmative, the bill is passed to be enacted.

Bill on its passage to be enacted, out of order, under suspension of the rules.

S. P. 740, L. D. 940: An act relative to the Deer Isle - Sedgwick Bridge District.

Finally Passed

(Out of Order)

S. P. 740, L. D. 940: An act relative of the Senate.

H. P. 1886: Resolve on the payroll of the House of Representatives.

Bill on its passage to be enacted, out of order, under suspension of the rules.

(Emergency Measure)

H. P. 1886, L. D. 941: An act relating to old age assistance.

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. Are you ready for the question?

Mr. HILL of South Portland: Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: In order to have the yeas and nays vote it is necessary that one-fifth the members present shall support the motion. All those in favor of the motion of the gentleman from South Portland, Mr. Hill, will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth the membership having arisen the motion prevails, and the yeas and nays are ordered. The Clerk will call the roll.

YEA—Alden, Ayer, Boucher, Bragdon, Brown, Burnham, Burrill, Cambridge, Carleton; Chase, Baring; Chase, Limington; Chase, Sebec; Churchill; Clark, Plymouth; Clarke, Cooper; Cole, Coolidge, Crowell, Cummings, Currier; Davis, Fairfield; Davis, Newfield; Deering; Devereux, Donovan, Dorr, Dow, Drisko, Eddy, Elliot; Ellis, Castle Hill; Ellis, Rangeley; Findlen, Flanders, Forbes; Forgue, Lewiston; Fortin, Fowles, Gleason, Goss, Graves; Gray, Presque Isle; Hagan, Hall, Hammond; Harriman, Gardiner; Harriman, Prospect; Haskell, Hathorn, Heald, Hearn, Hescoock, Higgins, Hill, Kendrick, Lancaster, Latno, Lebel, Leclair, Lewis, MacKenzie, Maheu, Mallett; Martin, Dexter; Martin, Oakland; Mason, McKay, Mosher, Newton, Oliver, Palmer, Parsons, Patterson, Payson, Phair, Philbrick, Poulin, Richardson, Russ, Ryder, Seabury, Sennett, Sewall, Shaw, Sleeper; Smith, Bangor; Smith, Van Buren; Stickney, Stilphen, Story; Thompson, Belfast; Thompson, Chelsea; Thurston, Vaughan, Weatherbee, Webber, Wentworth, Willey, Woodbury, Worthen, Young.

NAY—Austin, Parkman; Belaire, Burgess, Bushey, Carswell, Connolly, Cote, Demers, Desmond, Donahue; Doyle, Caribou; Eveleth; Gray, Brooksville; Hobbs, Jacobson, Jillson, Labbee, Lausier, Lindsey, Proctor, Sawyer, Scates, Stoddard, Wallace, Wheeler, Wright.

ABSENT—Austin, Exeter; Bramson, Bubar, Cook, Crosby, Dennett; Doyle, Skowhegan; Fogg, Rockland; Gibbons, Hastings, Jandreau, Kilroy, King, Leonard, Mace, Noyes, Pike, Rush, Sprague.

Yes—101.

No—26

Absent—19.

One hundred and one having voted in the affirmative and twenty-six in the negative, more than two-thirds the entire elected membership of the House voting in the affirmative, the bill was passed to be enacted. (Applause)

(House at ease.)

Mr. HILL of South Portland: Mr. Speaker, I move that the House adjourn until 9.30 o'clock tomorrow morning.

Calls of "No, No."

A viva voce vote being doubted, a division of the House was had,

Eighty-one voting in the affirmative, and 23 in the negative, the motion prevailed and the House was adjourned until 9.30 tomorrow morning.