

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Friday, April 23, 1937

Senate called to order by the President.

Prayer by the Reverend William R. Wood of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill, "An Act Relating to License of Importers of Malt Liquors; Emergency" (H. P. 1848) (L. D. 1009).

(In the Senate, on April 13th, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence.

In the Senate, on motion by Mr. Tompkins of Aroostook, under suspension of the rules the Senate voted to reconsider its former action, taken on April 13th, whereby the bill was passed to be engrossed; House Amendments "A" and "B" were read and adopted in concurrence; and the bill as amended by House Amendments "A" and "B" was passed to be engrossed in concurrence.

From the House:

Bill, "An Act Relating to Shipping Clams Beyond the Borders of the State" (H. P. 1575) (L. D. 716).

(In the Senate, on April 16th, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment "B" in non-concurrence.

In the Senate, on motion by Mr. Graves of Hancock, under suspension of the rules the Senate voted to reconsider its former action, taken on April 16th, whereby the bill was passed to be engrossed; House Amendment "B" was read and adopted in concurrence; and the bill as amended by House Amendment "B" was passed to be engrossed in concurrence.

**Communication**STATE OF MAINE  
OFFICE OF THE REVISOR OF  
STATUTES, AUGUSTA

April 22, 1937.

Hon. J. Frederic Burns,  
President of the Senate  
State House,  
Augusta, Maine.

Dear Sir:

I find it impossible to clarify the various bills passed this session as we originally planned. The demand

for amendments, etc., is such that there is not time to give the matters proper consideration. However, the following corrections should be made. The Presidential Electors, and the Juvenile law are almost unnecessary.

Sections 1, 2 and 3 amend the statutes to conform with our constitution in Presidential Electors.

Sections 4 and 5 cure printing errors.

Section 6 clarifies the juvenile law, and will prevent misunderstanding. Another law passed in 1933 changed the age to 17, but some courts are misled.

Section 7 takes out unnecessary words which are repealed by the repeal of section 4 of chapter 10 by implication.

SMITH DUNNACK

Revisor of the Statutes.

Which communication was read and placed on file.

Mr. Burns of Aroostook, out of order and under suspension of the rules presented:

Bill "An Act to Correct Technical Errors in Various Laws." (S. P. 533)

Which bill was read twice under suspension of the rules, and passed to be engrossed without reference to a committee.

**Orders of the Day**

Mr. KENNEDY of Hancock: Mr. President, I move the Senate reconsider its action of yesterday whereby Legislative Document No. 1058 was indefinitely postponed. I ask for a division.

Mr. SPEAR of Cumberland: Mr. President, there was a conference in the President's office and a temporary plan was worked out and a Committee of Conference is to be asked for. I am wondering if Senator Kennedy would be willing to withdraw his motion until the other one can be put. If he doesn't agree with the other one, he can vote against it.

Mr. KENNEDY: Under the circumstances, Mr. President, I will withdraw my motion.

The PRESIDENT: If there is no objection, the motion is withdrawn.

Mr. SPEAR: Is Legislative Document 1058 in the possession of the Senate, Mr. President?

The PRESIDENT: Legislative Document 1058 is in the possession of the Senate.

Mr. SPEAR: I move, Mr. President, that a Committee of Conference be appointed by the President, on the part of the Senate, and that Legislative Document 1058 be transmitted forthwith to the House.

Mr. WORTHEN of Penobscot: Mr. President, I would like to yield to Senator Kennedy and have him offer his motion to reconsider our action whereby we indefinitely postponed this bill. If he has withdrawn his motion, I will make the same motion.

Mr. SPEAR: The motion before the Senate is whether or not we have a Committee of Conference, and anyone who doesn't want a committee of conference can vote against it. I ask for a division.

Mr. BURKETT of Knox: Mr. President, of course there are many members, you will agree, who didn't know anything about this Committee of Conference, and we didn't know what your action was going to be. We have had a little conference here this morning, a group of us here, and while you could not exactly call it a committee of conference, the majority want to see this bill recalled and I do not see any reason why it could not be recalled and have a Committee of Conference afterwards, and then send the bill to the House.

Mr. SPEAR: Mr. President, after the way we transacted our business last night it appears to me we should enlist ourselves under some leadership. Several members have conferred with the President. Personally, I feel this is President Burns's Senate. I know he would like a Committee of Conference and I hope my motion to have one will prevail.

Miss MARTIN of Penobscot: Mr. President, how do we know the House won't recede and concur in indefinite postponement with us? Isn't it customary for them to have a chance to recede and concur or join or ask for a Committee of Conference?

The PRESIDENT: The motion of Senator Spear is entirely in order and this body can ask for a committee of conference, under the rules.

Mr. GOUDY of Cumberland: Mr. President, I would like to say to the members of the Senate that the Senate does not in any way lose control of this bill by this action. If the Committee of Conference is

appointed from here, the bill comes back here before it goes to the House and the Senate keeps control of it.

Mr. FERNALD of Waldo: Mr. President, it seems to me Senator Spear, the Senator from Cumberland County, has expressed a very wise proposition. We want to go along and we want to compromise, and the only way we can do it is by a Committee of Conference. We realize neither branch can rationally or reasonably consider these matters as committee of the whole, as we have been doing, and someone has to assume leadership, and I think it is a splendid idea that Senator Spear, who has been chairman of the Committee on Appropriations and Financial Affairs, in the past and who has served several terms in the legislature,—I think he has served the longest of anybody here—and I think he has made a very rational suggestion and I think in no way does it commit anybody to anything, but I believe he may have some constructive ideas and I think the Senator's motion is the correct one at this time. I do not see any advantage in rehashing this proposition as we did last night, because we might want to reconsider tonight and perhaps put more onions in the hash. I think that Senator Spear's motion is a correct and reasonable one, and I, for one, shall support it.

Mr. BURKETT: Mr. President, I would like to offer an amendment to Senator Spear's motion.

The PRESIDENT: The motion of Senator Spear is not before the Senate at the present time. The motion to reconsider has precedence. Will you defer until we act on the motion of Senator Worthen to reconsider?

Mr. FERNALD: Mr. President, I want to say I oppose the motion of reconsideration by Senator Worthen and trust that his motion does not prevail.

Mr. WILLEY of Cumberland: Mr. President, I know that I, for one, and that other members of the Senate have been sitting here waiting for the motion which Senator Spear has just made and I certainly hope that motion prevails.

Mr. WORTHEN: Mr. President, my object in moving reconsideration is for the purpose of presenting an almost entirely new plan, which is quite acceptable to several members. I am perfectly will-

ing to offer this plan in any place that seems advisable to the Senate, and I am willing that my motion be laid on the table until the motion of Senator Spear is carried through.

Mr. FORTIN of Androscoggin: Mr. President, I also had a plan to present to the Senate this morning, and in conference with members of the Senate, I agreed that I thought the proper procedure and the peaceful and orderly procedure would be a joint conference of members of the House and Senate. Our idea of asking the Committee of Conference from this Senate is to present to the House an olive branch and to show that we are willing to talk and understand each other and break down, if possible, any friction that may exist. That is the proper thing to do. We are offering them, by suggestion, this committee to compromise so we can sit down and talk things over and then come back here and understand each other. That was the main purpose. I also have a plan that I would present to the Committee of Conference and then present it on the floor of the Senate. I hope the motion of Senator Spear will prevail so we can get together and talk things over.

Mr. BURKETT: Mr. President, I would like to ask if Senator Spear's motion says that the bill shall be sent to the House?

The PRESIDENT: It will go to the House, yes.

Mr. BURKETT: I would like to offer an amendment that it remain in the Senate until after the Committee of Conference.

The PRESIDENT: That motion can not be entertained. Senator Worthen has asked permission to withdraw his motion for reconsideration. If there is no objection, the motion is withdrawn. The question before the Senate is on the motion of Senator Spear that a Committee of Conference be named on Legislative Document 1058, as amended. Is this the pleasure of the Senate?

The motion prevailed, and the President named as members of the Committee of Conference on the part of the Senate, the Senator from Cumberland, Senator Goudy, the Senator from Sagadahoc, Senator Sewall, and the Senator from Somerset, Senator Friend.

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take

from the table, An Act Relating to Emergency Municipal Finance Board (S. P. 179) (L. D. 254), tabled by that Senator on April 22nd, pending reconsideration of enactment; and on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted.

Miss MARTIN of Penobscot: Mr. President, I now yield to the Senator from Cumberland, Senator Spear.

On motion by Mr. Spear of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "C"; and on further motion by the same Senator, the adoption of Senate Amendment "C" was reconsidered and that amendment was indefinitely postponed.

Thereupon, the same Senator presented Senate Amendment "D" and moved its adoption:

"Senate Amendment D to Legislative Document 254, An Act Relating to Emergency Municipal Finance Board. Amend said act by striking out in the third line of Section Three the words 'six months' and substituting in place thereof the words 'one year and six months'."

Senate Amendment "D" was adopted, and on further motion by the same Senator the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Beckett of Washington, the Senate voted to take from the table House Report from the Committee on Sea and Shore Fisheries on Resolve for the Conservation of Clams in the County of Washington (H. P. 634) (L. D. 192), tabled by that Senator on April 21st pending acceptance of the report; and on further motion by the same Senator the report, "Ought Not to Pass," was accepted in concurrence.

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

On motion by Mr. Fernald of Waldo,

Recessed until this afternoon at two o'clock.

#### After Recess

The Senate was called to order by the President.

From the House, out of order and under suspension of the rules:

Bill "An Act to Establish Organized Highway Accident Prevention Work as a Function of the Maine State Police." (S. P. 522) (L. D. 1057)

(In Senate, on April 20th, passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto.)

Comes from the House, Senate Amendment "A" as amended, indefinitely postponed; the bill passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto, in non-concurrence.)

In the Senate, on motion by Miss Laughlin of Cumberland that Body voted to insist on its former action and ask for a Committee of Conference; the President appointed as members of such committee on the part of the Senate, Senators Laughlin of Cumberland, Friend of Somerset and Marden of Kennebec. Sent down for concurrence.

From the House, out of order and under suspension of the rules:

"Resolve Creating a Recess Committee on Tax Equalization," (H. P. 1892)

Comes from the House, having been received by unanimous consent, and under suspension of the rules read twice and passed to be engrossed without reference to a committee.

In the Senate:

Miss MARTIN of Penobscot: Mr. President, may we have the bill read, or an explanation of it or something?

The Secretary read the bill.

Mr. WILLEY: Mr. President, I don't know who is responsible for that resolve but I want to say of the person who drafted it that I think it is one of the finest resolves we have had here. I have complained bitterly about the unequal taxation in the several towns in connection with the education bill. I think that is a very fine resolve. I think it is splendidly drafted and I hope it has the unanimous con-

sent of the Senate for introduction.

Mr. FERNALD: Mr. President, I think if we have about two more recess committees every member of the Senate will be on one and we might as well stay in session all summer, but I think that is an empty gesture, to be perfectly frank with you. I am not going to oppose unanimous consent but I think it is an empty gesture and won't get us anywhere. For instance, we had one just like it in 1934 and the report was 122 pages long, and I think the appropriation on this matter was \$200, and if they don't use it for any other purpose, will just about be enough to print the cover of the report.

But if it will help the champion of lost causes, the sales tax proponent any, I am perfectly willing that he should spend all his time next summer working on the proposition and I think that by the time he gets back here into the Senate—and it is somewhat questionable whether he does—that by that time his views will have changed on this proposition. It really doesn't amount to anything but if anybody wants to try to do something under that resolve I am perfectly agreeable.

Mr. HUSSEY of Kennebec: Mr. President, that resolve, I think, has a lot of merit. The Committee of Taxation and Appropriations had before it an act setting up a broadening of the powers of the Tax Commissioner of this state and the committee felt that unless we gave it more study we couldn't act on this important matter for the best interests of the state. And so we felt that a recess committee would iron out some of the matters involved and bring back valuable information for the next legislature. A committee of 20 people passed this resolve out "Ought to Pass".

Thereupon, under suspension of the rules, the resolve was received by unanimous consent and without reference to a committee was given its two several readings and passed to be engrossed in concurrence.

Additional paper from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House, out of order and under suspension of the rules:

The Committee on Ways and Bridges on bill "An Act Relating to

Snow Removal," (H. P. 712) (L. D. 233) reported the same in a new draft (H. P. 1887) (L. D. 1068) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

From the House, out of order and under suspension of the rules:

House Report of the Committee of Conference on bill "An Act Relating to Beauty Culture," (H. P. 1558) (L. D. 687) reported that they were unable to reach an agreement.

Comes from the House, report read and accepted.

In the Senate, the report of the Committee of Conference was read and accepted in concurrence.

From the House, out of order and under suspension of the rules:

The Committee on Temperance on bill "An Act Relating to Sale of Alcohol," (H. P. 710) (L. D. 231) reported the same in a new draft (H. P. 1836) (L. D. 993) under the same title and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A" and by House Amendment "B" as amended by House Amendment "B" thereto.

In the Senate, the report of the committee was accepted in concurrence and the bill was given its first reading; House Amendment "A" and House Amendment "B" as amended by House Amendment "B" thereto were read and adopted in concurrence; and under suspension of the rules the bill was given its second reading and passed to be engrossed in concurrence.

From the House, out of order and under suspension of the rules:

The majority of the Committee on Temperance on bill "An Act Relating to the Consumption of Liquor on the Premises," (H. P. 1323) (L. D. 487) reported the same in a new draft (H. P. 1868) (L. D. 1040) under the same title, and that it ought to pass.

(Signed) Tompkins of Aroostook  
Littlefield of York  
Marden of Kennebec  
Meserve of Sebago  
Maxell of Orient  
Stilphen of Dresden

The minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Dow of Kennebunkport  
Wyman of Benton  
Sleeper of Rockland

Comes from the House, the bill indefinitely postponed.

In the Senate, the bill was indefinitely postponed in concurrence.

The PRESIDENT: The Senate will recess to respond to the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

Mr. GOUDY of Cumberland: Mr. President, I would like to inquire whether Legislative Document 1058 is now in the possession of the Senate.

The PRESIDENT: Legislative Document 1058 is now in the possession of the Senate.

Mr. GOUDY: My motion, Mr. President, is that the Senate forthwith deliver a message to the House of Representatives informing that honorable Body of the Senate's action this morning with reference to Legislative Document 1058.

The motion prevailed.

Mr. GOUDY: Now, Mr. President, I move that the bill be laid upon the table.

Thereupon, the bill was laid upon the table pending a message from the House.

The PRESIDENT: The Secretary will deliver the message forthwith.

The Senate will recess to respond at the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

A message was received from the House of Representatives, through Mr. Pease, its Clerk, as follows:

"Mr. President, I am charged by the House of Representatives with a message to this honorable Body that it is the opinion of the House that the procedure taken in asking for a Committee of Conference as to Document number 1058, bill 'An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues therefor by Means of Miscellaneous Taxes' is an unwarranted departure from the well

established and long standing parliamentary practice of Maine Legislatures. While the Senate has given the House no official knowledge of what the Senate proceedings have been, nevertheless the House reiterates its belief in the necessity of enacting the Old Age Assistance Program and the Minimum Educational Program, together with the necessary revenue provisions. And, therefore, notwithstanding the irregularity of the procedure and for the purpose of expediting the transaction of pending business the House joins the Conference.

"And that the Speaker of the House has named on the part of the House as members of its Committee of Conference in relation to this bill, Mr. Newton of Readfield, Mr. Murchie of Calais, Mr. Gyger of Cumberland."

Mr. FERNALD of Waldo: Mr. President, I move that the rules be suspended for the purpose of making a statement.

The motion prevailed and the rules were suspended.

Mr. FERNALD: Mr. President, we have just had the opportunity of listening to the reply of the House to our suggestion that inasmuch as the two Bodies could not agree upon Legislative Document 1058, action was taken in the Senate this morning whereby we, in a spirit of cooperation, a spirit of expediting matters, had suggested a Committee of Conference, inasmuch as we in the Senate had felt that that would be the quickest and most direct manner of settling our program.

The reply that we have just received from the House suggests that our action was unwarranted, that it was an unwarranted departure and that it was irregular. Now I might state that rule 37 of the Senate at page 12 of the rule book states that "The rules of parliamentary practice comprised in Reed's Rules, and Cushing's Law and Practice of Legislative Assemblies, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the Joint Rules of the two houses." And I might suggest also that rule 57 of the House, which is at page 37, states that "The rules of parliamentary practice comprised in Reed's Rules, shall

govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the Joint Rules of the Senate and House of Representatives.

And I want to further point out that our request for a conference was not a joint order. Now, I will read briefly from Reed's Parliamentary Rules, page 179, Section 240: "Conferences. A conference is one of the methods of communication between two assemblies which together constitute the legislative department of a government. Whenever a disagreement as to amendments between the Houses has reached such a phase that it seems likely to be final, the House which has the papers usually asks a conference upon the disagreeing vote of the two Houses and announces the name of the Committee of Conference." And that is just the action we took this morning. In the meantime the House has been quibbling, playing the piano and singing and not carrying on their legislative functions and we have waited here until six o'clock for them to appoint there conferees. I believe the issue has been joined and now at six o'clock in the evening the conference can begin. And it is our hope that out of that conference, if the members of the House are mindful of their responsibility and are in the proper frame of mind, that matters can be expedited. I believe, Mr. President, that states the position of the law in the case and the rules in the case. I thank you.

Mr. GOUDY of Cumberland: Mr. President, even though we may possibly have differed at times—I repeat, even though we have differed at times—and have perhaps viewed things in different ways, I think we have all attempted to be loyal to our constituents and to carry out our duties to the best of our abilities. Now, where human nature is involved there are bound to be mistakes, there are bound to be inconsistencies, there are bound to be disagreements, but out of this all comes beneficial legislation for the citizens of Maine and the people we represent.

I think we have all endeavored in every way, shape and manner to handle every problem with which we were confronted to the best of our abilities, to the end that the



people of Maine would be better served and be situated more beneficially by our having been their representatives. I have the greatest respect for every member of this Senate and I have learned to love our President. I never knew him before I came to the legislature but I think he is an outstanding example of the manhood of the state of Maine of which we are all a part.

I will take full responsibility upon my own shoulders for any departure from parliamentary procedure that has been followed today but I do differ with the contents of the reply that was just delivered to this Senate. I claim that the parliamentary procedure was warranted and though perhaps it has never been followed in the state of Maine I can cite you numerous cases that will uphold my contention that custom and usage, no matter how long practiced, does not make procedure or make laws. Indeed, this procedure is practiced even in Washington and I feel that we have attempted to expedite legislation and to bring about a beneficial result for our constituents.

I think that we have all, every one of us, exerted every effort for the people of the state of Maine and if there is any criticism to be heaped upon the shoulders of any members of this Senate or upon the Senate as a Body, by the members of the House or by the House as a Body, I will take full responsibility for it because this was fully my idea.

And I do hope that this Committee of Conference can bring about a solution of the difficult problem that is confronting the members of this legislature to the extent that my suggestions were warranted. And all I can say of those who chose to criticize is, may the Lord forgive them for they know not what they do.

#### **Passed to be Enacted**

(Out of Order)

An Act Relating to Agricultural Societies (S. P. 493) (L. D. 1031).

An Act Relating to Production and Sale of Milk (S. P. 516) (L. D. 1048).

An Act Relating to the Transportation of Intoxicating Liquor (H. P. 1846) (L. D. 997).

An Act Relating to Liquor Licenses (H. P. 1867) (L. D. 1037).

Mr. FORTIN: Mr. President, may I ask that this document be

laid upon the table temporarily to be discussed and taken off the table tomorrow morning or at the next date that we are in session.

Thereupon, Legislative Document 1037 was laid upon the table pending passage to be enacted.

An Act Relating to Construction of State Aid Roads in Indian Township (H. P. 1878) (L. D. 1055).

An Act Relating to the Establishment and Maintenance of Stations or Police Barracks for Weighing Trucks (H. P. 1879) (L. D. 1056).

An Act Relating to State Racing Commission (H. P. 1882) (L. D. 1061)

#### **Finally Passed**

(Out of Order)

"Resolve in Favor of Helen Newton Parker." (S. P. 517) (L. D. 1049)

"Resolve in Favor of Certain Agricultural Societies." (S. P. 518) (L. D. 1050)

"Resolve in Favor of Anton R. Jordan of Osborne Plantation." (S. P. 519) (L. D. 1047)

"Resolve in Favor of the Propagation of Lobsters, Shad, etc." (H. P. 1613) (L. D. 766)

"Resolve in Favor of Arthur Liberty of North Yarmouth." (H. P. 1874) (L. D. 1051)

"Resolve in Favor of R. Earl Haley of Rangeley." (H. P. 1875) (L. D. 1052)

"Resolve in Favor of George A. Johnson of East Machias." (H. P. 1876) (L. D. 1053)

"Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier'." (H. P. 1886) (L. D. 1064)

#### **Emergency Measure**

(Out of Order)

Bill "An Act as to the Importation of Intoxicating Liquors Other than those Consigned to Wholesale Malt Liquor Licensees; Emergency." (H. P. 1847) (L. D. 998)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed was passed to be enacted.

On motion by Mr. Goudy of Cumberland the Senate voted to take from the table An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Therefor by Means of Miscellaneous Taxes (L. D. 1058), tabled earlier in today's session by that Senator

pending a message from the House; and on further motion by the same Senator the bill and all amendments were turned over to the Committee on Conference.

Mr. GOUDY of Cumberland: Mr. President, I am not fully satisfied that I am in order but I would like at this time to discuss our future procedure. I should imagine that if the Committee of Conference goes to work immediately that it is not a remote possibility that we might possibly have some definite measure to submit to the legislature, perhaps by eleven o'clock. Now, insofar as adjournment is concerned I have no personal interest in it. Some of the members of the Senate have expressed the opinion that they had rather adjourn until that hour than to adjourn until tomorrow morning but I would say that I would think that that would be the minimum time that we would need to accomplish results and that is a matter for the Senate to consider. I have just been told by Senator Willey that the House has recessed until 8:30. That is just a matter for the Senate to discuss and consider.

Mr. ASHBY: Mr. President, in view of the fact that I believe it is well settled in the minds of the Conference Committee about what they are going to come to, I think they will have their report ready by 8:30. And I move that we adjourn until that time.

Mr. GOUDY: Mr. President, I know that Senator Ashby's remarks are in jest but I would like to inform the Senate that as far as I am concerned on this matter my mind is open to conviction and is not made up and I will give and take in order to accomplish results. I just say that because as far as I am concerned my mind is open as I believe is the mind of every other member and we will endeavor to bring about desirable results within the minimum time. What time that will be I can't say.

Mr. FERNALD of Waldo: Mr. President, as I understand the situation, our calendar is not cluttered up with a lot of things and I am inclined to think a whole lot more could be accomplished than at any meeting that is held in the state house at eight-thirty tonight—it seems to me we have been hanging around here all day and got more or less on each other's nerves, that

possibly for the purpose of coming together we would all feel a little more friendly and be a little more inclined to give and take, tomorrow morning. Assuming this committee agrees at eleven o'clock tonight, which I think is very optimistic, I think eleven o'clock is the earliest if everything goes smoothly and they agree on everything; and I think the members of the Conference Committee will see fit to have the matter printed or mimeographed. That would mean we would get here at eleven and things will come up from the printers which they will say will be ready at eleven-fifteen, but of course, it would be quarter past twelve. Whereas, if we go home now and get lunch or dinner or whatever you want to call it, and go to the movies and then back to the Augusta House or wherever you are staying, and go to bed early and get up bright and early in the morning and read the newspapers, I think things will work out lots better, and it is my impression it is the best thing, to come back at ten o'clock tomorrow morning and then the Conference Committee will have everything on our desks and everything outlined for us. It may be when we come in, there will be things we want to amend, because you never can find a committee that will present a perfect report, and I never knew a committee to make a report that someone didn't want to amend. If they know we will be here at eleven o'clock tonight, they will be crowded, whereas if they know they have all night they can work better, and you know at three or four o'clock you can accomplish a lot more than you can when there are a lot of people around here. I think everything is going smoothly and the best thing to do is come back tomorrow morning. If there is no other motion before the Senate, that will be my motion.

Miss MARTIN of Penobscot: Mr. President, I wonder if the Senator from Waldo, Senator Fernald, would agree to come back at nine o'clock, because this engrossing business takes time and we would get through earlier if we started earlier.

Mr. FERNALD: May I answer through the Chair, that two or three of the members had suggested to me eleven o'clock, and one or two had suggested nine, so I compromised on ten. It doesn't make any difference to me personally. I will

stay all night, because I have done that, but there are some who would like to wait until as late as eleven, and others until nine, so why not do as we always do, come back at ten o'clock? We can vote on it if we want to, but I think it would satisfy more people, and if there are people who want to wait until eleven, perhaps they can get here at ten.

Mr. WILLEY of Cumberland: Mr. President, some of the Senators have canceled engagements to go to dinners tonight, and have stayed here, just doing nothing. I, for one, am willing to stay here and do some work. We will have good luck if we get through at this time tomorrow night. If we wait until tomorrow morning we may not get out of here until next week sometime. I believe the motion of Senator Ashby is before the Senate.

Mr. ASHBY: Mr. President, I would like to speak about that. There are a few gentlemen here dragging their feet. As to the gentleman from Waldo, Senator Fernald, it doesn't make any difference to him whether he is here all summer or not. It does to me and it does to a lot of people. If he wants to go to the movies tonight, he can go, if he has the price. I haven't. I paid mine all out for board. Of course, if he will stake me, I do not know but I will go with him. I believe it is the sense of this Senate that we hold this Senate down until we come to a decision, either we meet with the House and invoke a tax or we adjourn without date and then come back in special session. I still adhere to my motion to recess until eight-thirty tonight.

Mr. FERNALD: Mr. President, if Senator Ashby will withdraw his motion, I will buy him a drink, take him to the movies, and buy his supper for him.

Mr. ASHBY: Mr. President, I would accept that offer if I thought the Senator from Waldo, Senator Fernald, had the price, but I don't think he has. However, although a drink is a great temptation, he cannot buy me. I still adhere to my motion.

Mr. MALIAR of Androscoggin: Mr. President, I do not believe any member of this Senate can expect this committee to do in two hours what we have been trying for two days to do. So I honestly believe if the Senators went home, those who felt like it, and got their rest and let this committee come back and do what it has to do, I believe we would all be in better condition to vote intelligently on anything the committee might bring in. But coming back at eight-thirty tonight and expecting something to be brought in for us to vote on, I believe is ridiculous. As a matter of fact, for one, I would rather be at home, and as I cannot possibly leave home before nine-thirty in the morning, and I would like to be here to go on record on anything that is voted on tax measures, and with that in mind, I would like to see the Senate adjourn until tomorrow morning, if possible, at eleven o'clock.

Mr. ASHBY: Mr. President, I am bitterly opposed to that proposition. Now, there is no reason why we could not get together in a reasonable length of time tonight, and I am going to serve notice on this Senate right now, that I am going home tomorrow at one-thirty,—using a profane but expressive phrase—in spite of hell and high water. I will concede this much—to convene at nine o'clock tomorrow morning. Otherwise than that, I am going to adhere to my decision.

Thereupon, on motion by Mr. Ashby of Aroostook

Adjourned until tomorrow morning at nine o'clock.