

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

the bill lie on the table pending some action to see if some method cannot be provided whereby the finances of the State can be put on some stable basis.

The SPEAKER: The gentleman from Houlton, Mr. Tompkins, moves that the bill lie on the table, the pending question being its passage to be enacted.

A viva voce vote was doubted.

A division of the House was had, Fifty-nine voting in the affirmative and 40 in the negative, the motion prevailed and the bill was tabled until later in today's session.

(Emergency Measure)

S. P. 67, L. D. 170: An act to provide for issuance of preferred stock companies.

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.

(Emergency Measure)

H. P. 147, L. D. 181: An act relating to individual liability of stockholders.

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 fourteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

(Emergency Measure)

H. P. 137, L. D. 138: Resolve proposing the repeal of the Twenty-sixth Amendment of the Constitution, relating to the manufacture and sale of intoxicating liquors.

Miss LAUGHLIN of Portland: Mr. Speaker, I move that the House

reconsider its action whereby this bill was passed to be engrossed, so that I may offer House Amendment "A".

The proposed House Amendment "A" was read by the Clerk.

House Amendment "A" to H. P. 137, L. D. 138, entitled a resolve proposing the repeal of the Twenty-sixth Amendment to the Constitution, relating to the manufacture and sale of intoxicating liquors.

Amend said resolve by striking out the title and substituting in place thereof the following: "Resolve proposing the amendment of the Twenty-sixth Amendment to the Constitution relating to the manufacture and sale of intoxicating liquors, by vesting full control in the electors."

And further amend said resolve by striking out the word "repealed" at the end of the second line and substituting in place thereof the following words: "amended by striking out all of said section and inserting in place thereof the following: "The legislature shall pass no act regulating or permitting the manufacture or sale of beverages containing more than four per cent. of alcohol by volume as an emergency measure within the meaning of article XXXI of the amendments to the Constitution unless such act itself contains a provision for its submission to the vote of the electors.'"

And further amend said resolve by striking out the question in the twelfth and thirteenth lines of said document and substituting in place thereof the following: "shall the constitution be amended by eliminating the present absolute prohibition against the manufacture and sale of intoxicating liquors and vesting the control of legislation dealing with the subject of intoxicating liquors in the electors?"

Miss LAUGHLIN: Mr. Speaker, as you have observed, this amendment simply vests in the electors the right to determine in regard to the sale of intoxicating liquors, so that the Legislature cannot by a two-thirds vote prohibit the electors from expressing themselves on it through a referendum. The argument here has been to let the people speak, and this amendment provides that they may speak; and if those who have talked here are sincere, then they will adopt this amendment for it merely provides that the people shall be permitted to pass upon these things rather

than have them settled by the Legislature.

What else I have to say is addressed solely to the Republicans of this Legislature. I think we have come to the parting of the ways, and today you will either write a new lease of life for the Republican party or write its death warrant. No party can obtain the confidence of the people that has no plan and no program of action. Certainly it cannot do this by becoming a spineless auxiliary to the opposite political party. I think it is time that the Republicans of this State should remember this, remembering also the historic policy of the party in this State to have a program of its own and not act simply as the tail to the Democratic kite. No party that is without a definite policy and a definite program, but supinely sits and waits, (although it has twice as many votes as the other party) to see what the other party is going to do, and then runs and does the same thing, will never get anywhere either in this State or in any other State. (Applause)

The SPEAKER: The pending question is the motion made by the member from Portland, Miss Laughlin, that the House reconsider its action of yesterday whereby this bill was passed to be engrossed.

Mr. GOUDY of South Portland: Mr. Speaker, I am a Republican, but I do not mean to allow my party affiliations to influence my judgment. We are all here for one purpose which is for the common good of the citizenry of the State of Maine. We realize and know the applications of the different amendments and we could vote intelligently on the subject if the question was propounded to us; but I believe that the public has the right, I believe that the citizens at large expect, and I believe that the people of the State of Maine deserve to have a clean cut issue propounded to them on the referendum. I for one am not trying to out vote the democratic party and I for one do not consider myself the tail of anybody's kite; but even though I am a Republican I am going to stand on my feet and fight for what I think the people of the State of Maine want. The sooner that this Legislature will eliminate playing politics, the better off we will be and the State of Maine as a whole. I believe that this question should be put to the people of the State of

Maine on a clear cut issue for a yea and nay vote, and I sincerely oppose any amendment of any kind and of any nature or description to this question.

(Applause)

Miss LAUGHLIN: Mr. Speaker, I ask for a roll call vote on this matter.

The SPEAKER: The pending question is the motion made by the member from Portland, Miss Laughlin, that the House reconsider its action of yesterday whereby this bill was passed to be engrossed. The member has asked for a roll call, and before that request can be granted, it must be affirmatively voted for by one-fifth the members present. All those in favor of the motion of the member from Portland, Miss Laughlin, that when the vote is taken it be taken by the yeas and nays will rise and stand in their places until counted and the monitors will make and return the count.

Thirty-two having arisen and that number being obviously more than one-fifth of the members present, a yea and nay vote was ordered.

Mr. GOUDY: For the benefit of the members will the Chair please explain the motion again?

The SPEAKER: The pending question, stating it again, is the motion made by the member from Portland, Miss Laughlin, that the House reconsider its action taken yesterday whereby this bill was passed to be engrossed, that motion being necessarily made and carried before any further amendments to the bill can be made. Is the situation clear? A vote "yes" is a vote for reconsideration, placing the bill in a position where further amendment can be offered or further discussion had. A vote "no" of course, is for the situation that now exists. Are there any further questions? The rule requires that during the roll call all members shall remain in their seats until the roll call has been made and the result announced.

Miss LAUGHLIN: Are the members all present?

The SPEAKER: The bell has been rung. The members will remain in their respective seats until the roll call has been taken.

Mr. CARLETON of Portland: Mr. Speaker, will you state the situation over again, please?

The SPEAKER: To re-state the parliamentary situation: The member from Portland, Miss Laughlin, presented a proposed amendment. Before that amendment can be acted upon, the House must act on the other motion of the member from Portland to reconsider the action taken yesterday, when the House voted that the bill be passed to be engrossed. That motion is the one we are acting on now. Shall the action taken yesterday be reconsidered? A vote "yes" is in favor of bringing the bill back into a situation where an amendment can be offered. A vote "no" is for the situation as it now exists. Is the matter now clear? If so the Clerk will call the roll.

YEA—Bailey, Woolwich; Bartlett, Bennett, Bussey, Chase, Limington; Chase, Sebec; Clarke, Clement, Cobb, Crowell, Deering, Dow, Portland; Fowles, Haggett, Ham, Hawkes, Hill, Hills, Holden, Laughlin, Lord, MacPherson, Norris, Plummer, Russ, Sanborn, Baldwin; Stover, Thomas, Tillson, Tompkins, Bridgewater; Tompkins, Houlton; Walker, Rockport; Webber, White.

NAY — Allison, Ashby, Audet, Bailey, Whitefield; Belanger, Berry, Berwick, Boyle, Breen, Burgess, Burns, Bushey, Carleton, Carswell, Chase, Baring; Collins, Cook, Devereux, Dow, Livermore; Drisko, Dunn, Duquette, Eastman, Eldridge, Farris, Fenlason, Fernald, Flanders, Fogg, Rockland; Forgue, Lewiston; Friend, Gagnon, Gallagher, Goodwin, Goudy, Graves, Gray, Gross, Hall, Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hescoc, Hussey, Jones, Knight, Labbee, Lancaster, Lebel, Lewis, Lindsey, Luce, Mace, Mack, Martin, Mason, Mechanic Falls; Mason, Raymond, Mavers, McKinney, Michaud, Morin, Nevers, Newcomb, O'Connor, Oliver, Osgood, Peacock, Piper, Plouff, Rand, Raymond, Rea, Richardson, Rush, Sanborn, Weld; Sargent, Scates, Shaw, Smith, Masardis; Smith, Orono; Smith, Vinalhaven; Soper, Sprague, Sterling, Stern, Thompson, Thurston, Tupper, Viles, Walker, Rockland; Wallingford, Ward, Harrison; Ward, Thorndike; Wentworth; Whitnev, Whitten, Williams, Young.

ABSENT — Blanchard, Bucknam, Carignan, Carter, Hobbs, Leathers, Littlefield, Alfred; Littlefield, Bluehill; Quine, Rounds, Ryder, Wright.

101 No; 34 Yes; 12 Absent.

Thirty-four having voted in the affirmative and 101 in the negative, 12 being absent, the motion failed of passage.

The SPEAKER: The question

now before the House is the final passage of the resolve. This is a resolve proposing an amendment to the Constitution and on its final passage requires a two-thirds vote of the members present. The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, I would suggest that the Speaker instruct the Sergeant-at-Arms to notify all members around the building that we are to vote on this question and require their attendance.

The SPEAKER: We will take a short recess so that the Sergeant-at-Arms may perform his duty.

After Recess

The SPEAKER: The pending question is the final passage of resolve, L. D. 133, proposing a repeal of the Twenty-sixth Amendment to the Constitution relating to the manufacture and sale of intoxicating liquor. The vote on this question for final passage requires the affirmative vote of two-thirds the members present. Please remember the House Rule that every member who is present and in his seat is expected to vote.

Mr. SCATES: Mr. Speaker, I move that it be by roll call, to avoid any controversy.

The SPEAKER: The gentleman from Westbrook, Mr. Scates, moves that when the vote is taken, it be by the yeas and nays and that motion calls for the affirmative vote of one-fifth the members present.

More than one-fifth having obviously arisen, the motion prevailed and the roll call was ordered.

The SPEAKER: At the suggestion of the gentleman from Westbrook, Mr. Scates, the Chair will restate the situation. This resolve has had its several readings in both House and Senate and has been passed to be engrossed. A motion to reconsider its engrossing has failed of passage and now it is in position for its final passage. This requires the affirmative vote of two-thirds the members present and voting and a roll call has been ordered. A vote "yes" is in favor of the final passage of the resolve and a vote "no", of course, is opposed to its passage. The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Bailey, Whitefield; Belanger, Berry, Berwick, Boyle, Breen, Bucknam, Burgess, Burns, Bushey, Bussey, Carle-

ton, Carswell, Carter, Chase, Baring; Collins, Cook, Devereux, Dow, Livermore; Drisko, Dunn, Duquette, Eastman, Eldridge, Farris, Fenlason, Fernald, Flanders, Fogg, Rockland; Forge, Lewiston; Friend, Gagnon, Gallagher, Goodwin, Goudy, Graves, Gray, Gross, Hall, Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hescocock, Hobbs, Hussey, Jones, Knight, Labbee, Lancaster, Leathers, Lebel, Lewis, Lindsey, Luce, Mace, Mack, Martin, Mason, Mechanic Falls; Mason, Raymond; Mayers, McKinney, Michaud, Morin, Nevers, Newcomb, O'Connor, Oliver, Osgood, Peacock, Piper, Plouff, Rand, Raymond, Rea, Richardson, Rush, Sanborn, Baldwin; Sanborn, Weld; Sargent, Scates, Shaw, Smith, Masardis; Smith, Orono; Smith, Vinahaven; Soper, Sprague, Sterling, Stern, Thompson, Thurston, Tillson, Tompkins, Houlton; Tupper, Viles, Walker, Rockland; Wallingford, Ward, Harrison; Ward, Thorndike; Wentworth, White, Whitney, Whitten, Williams, Young.

NAY—Bailey, Woolwich; Bartlett, Bennett, Chase, Limington; Chase, Sebec; Clarke, Clement, Cobb, Crowell, Deering, Dow, Portland; Fowles, Haggett, Ham, Hawkes, Hill, Hills, Holden, Laughlin, Littlefield, Alfred; Lord, MacPherson, Norris, Plummer, Russ, Stover, Thomas, Tompkins, Bridgewater; Walker, Rockport; Webber.

ABSENT — Blanchard, Carignan, Littlefield, Bluehill; Quine, Rounds, Ryder, Wright.

110 Yes; 30 No; 7 Absent.

One hundred and ten voting in the affirmative and thirty in the negative, and 110 being obviously more than two-thirds of the members present and voting, the motion prevailed, and the resolve was finally passed.

On motion by Mr. Gross of Lisbon Falls,

The House recessed until 1.30 P. M.

Afternoon Session

The Speaker in the Chair.

The **SPEAKER**: You will find on your desks supplement No. 1 to today's House Journal, listing the bills on which we will now go to work.

From the Senate: Bill an act to increase the staff of the Commander-in-Chief to six by adding an additional member with the rank of Lieutenant-Commander H. P. 96, L. D. 127, which was passed to be engrossed in the House yesterday.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House: Senate Amendment A read.

Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed and Senate Amendment A was adopted in concurrence.

Thereupon the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to the election of delegates and alternates to party conventions in the city of Biddeford, H. P. 150, L. D. 192, which was passed to be engrossed in the House yesterday.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House: Senate Amendment A read.

The House voted to reconsider its action taken yesterday whereby this bill was passed to be engrossed.

Thereupon Senate Amendment A was adopted in concurrence and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Bill "An act to empower the United States of America to acquire lands in the State of Maine by purchase, gift or condemnation for national forests, and granting to the United States all rights necessary for establishment, control and administration of such forests" (S. P. 11, L. D. 193) which was passed to be engrossed in the House yesterday as amended by House Amendments "A" and "B" in non-concurrence.

Comes from the Senate, that body insisting on its former action whereby it accepted the report of the Committee on Judiciary reporting "Legislation Inexpedient", and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. **WEEKS** of Somerset
PAGE of Somerset
SEAVEY of Oxford.

In the House, on motion by Miss Laughlin of Portland, the House voted to insist on its former action and grant the request of the Senate for a committee of conference.

The Chair appointed as such com-