

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

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.**

- Page 473—An act to regulate the speed of motor vehicles (S. P. 357, L. D. 572)—Should be (S. P. 357, L. D. 512)
- Page 474—An Act to incorporate the Maine Reinsurance Company (H. P. 977, L. D. 313)—Should be (H. P. 877, L. D. 313)
- Page 475—Second act closing Middle Range Pond to ice fishing to be deleted.
- Page 478—Resolve regulating Fishing in Snow Mountain Pond (H. P. No. 462) (L. D. No. 228)—Should be (H. P. No. 562) (L. D. No. 228)
- Page 486—An Act relating to trapping muskrats in Sourdabscook Stream (H. P. 5351, L. D. 142)—Should be (H. P. 551, L. D. 142)
- Page 487—An Act providing for the calling of conventions for adoption or rejection of proposed amendment to the Constitution of the United States submitted by Congress to conventions.—Should be H. P. 1594.
- Page 487—House Paper 205, An act relating to the prepayment of taxes—Should be L. D. 205.
- Page 495—An Act empowering William L. Milliken of Presque Isle in the County of Aroostook to Erect and Maintain Piers, Piles and Booms in the Aroostook River (H. P. 67) (L. D. 85)—Should be (H. P. 67) (L. D. 29)
- Page 504—resolve providing for a State pension for Leland Palmer of Carmel H. P. 685, L. D. 727—Should be H. P. 645, L. D. 737.
- Page 509—An Act to establish a board of finance of the City of Waterville. (H. P. 1551, L. D. 860)—Should be (H. P. 1551, L. D. 868)
- Page 537—Resolve providing for a state pension for Anne Foley of Lewiston (H. P. 907, L. D. 340)—Should be (H. P. 907, L. D. 840)
- Page 537—Resolve in favor of American Liability Insurance Company of Boston in the Commonwealth of Massachusetts (S. P. 206)—Should read American Mutual Liability Insurance Company.
- Page 538—"An Act relating to beautification of landscape and roadsides" (S. P. 385)—Should be (S. P. 355)
- Page 567—An Act providing for sentences and the imposition thereof. (S. P. 596, L. D. 568)—Should be (S. P. 283, L. D. 568)
- Page 569—Error in spelling (the county).
- Page 571—"An Act relative to the fishing in the Mousam River" (S. P. 173)—Should be (S. P. 178).
- Page 587—(S. P. No. 564) (L. D. No. 832) Resolve regulating fishing for Pickerel in Oxford and York Counties.—Should be in York County.
- Page 587—(H. P. 560, L. D. 144) Resolve regulating fishing for pickerel in Oxford and York Counties.
- Page 600—Resolve appropriating money to pay World War Veterans claims heretofore approved by the Committee on Claims (S. P. 892, L. D. 948)—Should be (S. P. 592, L. D. 948)
- Page 601—Resolve extending open season on Mousam River. (S. P. 610, L. D. 993)—Should be (S. P. 610, L. D. 983)
- Page 601—The majority of the Committee on Bill "An Act relating to manufacture of intoxicating liquor" (S. P. 116, L. D. 163)—should read—The majority of the Committee on Temperance, etc.
- Page 601—The majority of the Committee on Bill "An Act relating to the pauperizing of unemployed wage earners" (S. P. 42, L. D. 26) should read—The majority of the Committee on Labor, etc.
- Page 601—(Signed) Holmes of Franklin—Should be Holman.
- Page 602—"An act relating to state aid for academies." (S. P. 1000, L. D. 577)—Should be (H. P. 1090, L. D. 577)
- Page 621—Resolve Providing for a State Pension for Augusta O. Goodwin of Augusta, (H. P. 75) (L. D. 670)—Should be (H. P. 75) (L. D. 671)
- Page 622—Resolve Providing for an Increase in State Pension for Lester Pagen of Hermon (H. P. 56) (L. D. 706)—Should be Lester Patten.
- Page 622—Resolve Providing for a State Pension for Arria S. Sargent of Auburn, (H. P. 383) (L. D. 08)—Should be (H. P. 383) (L. D. 708)
- Page 622—Resolve Providing for a State Pension for Fred E. Stevens of Chelsea, (H. P. 991) (L. D. 40)—Should be (H. P. 991) (L. D. 740)
- Page 622—Resolve Providing for an Increase in State Pension for Grace Griffin of Auburn, (H. P. 139) (L. D. 715)—Should be (H. P. 1397) (L. D. 715)
- Page 623—Resolve Providing for a Pension for Laura Witham of Lisbon, (S. P. 535) (L. D. 788)—Should be (S. P. 535) (L. D. 799)
- Page 633—Resolve in favor of several academies, institutes and seminaries (S. P. 598, L. D. 932)—Should be (S. P. 598, L. D. 942)
- Page 633—An act requiring the licensing of operators of creameries or milky distributing plants (H. P. 1618) (L. D. 953)—Should be milk distributing plants.
- Page 635—An act relating to Penobscot and Passamaquoddy Tribes of Indians (H. P. 1554, L. D. 875)—Should be (H. P. 1554, L. D. 857)

## SENATE

Thursday, March 16, 1933.

Senate called to order by the President.

Prayer by the Rev. Kimber Moulton of Augusta.

Journal of yesterday read and approved.

At this point Mr. Weatherbee of Penobscot was escorted to the Chair, the President retiring, amidst the applause of the Senate, the members rising.

Papers from the House disposed of in concurrence.

## House Bills in First Reading

Resolve in favor of Mary E. Rogers of Carmel. (H. P. 1519, L. D. 841)

An Act relating to the taking of smelts, minnows and other bait fish, white fish, cusk and suckers (H. P. 694, L. D. 363)

An Act relative to dealers in live bait; license therefor (H. P. 1522, L. D. 845)

An Act relating to the foreclosure of real estate mortgages (H. P. 1105, L. D. 588)

Resolve providing for state pension for Archibald Mullen of Washington (H. P. 894, L. D. 838)

Resolve providing for a state pension for Wallace Taylor of Whitefield (H. P. 1587, L. D. 901)

Resolve providing for an increase in state pension for William S. Smith of Alna (H. P. 904, L. D. 839)

Resolve providing for a state pension for Anne Foley of Lewiston (H. P. 907, L. D. 340)

An Act repealing the law relating to Auxiliary State Forests (H. P. 228, L. D. 128)

From the House:

The Committee on Claims on "Resolve in favor of Frederick A. Furbish of Mt. Vernon" (H. P. 747, L. D. 413) reported the same in a new draft (H. P. 1520, L. D. 842) under the same title and that it ought to pass.

In the House recommitted to the Committee on Claims.

In the Senate, on motion by Mr. Kitchen of Aroostook, tabled pending recommitment in concurrence.

## Reports of Committees

Mr. Weatherbee from the Committee on Claims on "Resolve in favor of American Liability Insur-

ance Company of Boston in the Commonwealth of Massachusetts" (S. P. 206) reported that the same ought not to pass.

Mr. Weeks from the Committee on Judiciary on Bill "An Act changing the time required to establish or lose a pauper settlement" (S. P. 321, L. D. 526) reported that the same ought not to pass.

Mr. Holman from the same Committee on Bill "An Act making the state liable for support of all persons falling into distress" (S. P. 322, L. D. 527) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act relating to support of dependent persons" (S. P. 323, L. D. 528) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act relating to state aid in support of the poor" (S. P. 324, L. D. 529) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve authorizing Ralph Williams, Michael Williams and Frank Sorrenti to bring suit at law or in equity against the State of Maine" (S. P. 398) reported that the same ought not to pass.

Mr. Holmes from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to insurance policies" (S. P. 111, L. D. 207) reported that the same ought not to pass.

Mr. Kitchen from the same Committee on Bill "An Act regulating sale of convict-made goods" (S. P. 161, L. D. 161) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act relating to the publication of annual statements of insurance companies other than life" (S. P. 162) reported that the same ought not to pass—covered by another bill.

Mr. Jackson from the Committee on Taxation on Bill "An Act relating to assessment of state and county taxes" (S. P. 349, L. D. 507) reported that the same be referred to the 87th Legislature.

The same Senator from the same Committee on Bill "An Act relating to state taxes for special funds" (S. P. 350, L. D. 570) reported that the same be referred to the 87th Legislature.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Angell from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to assessments by insurance companies for a surplus fund" (S. P. 85, L. D. 100) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relating to insurance licenses" (S. P. 86, L. D. 101) reported that the same ought to pass.

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

Mr. Littlefield from the Committee on Towns on Bill "An Act relating to beautification of landscape and roadsides" (S. P. 385) reported the same under a new draft (S. P. 593) under the title of "An Act relating to beautification of landscape and roadsides" and that it ought to pass.

Mr. Weatherbee from the Committee on Claims on "Resolve in favor of Julia A. Bradman Estate" (S. P. 100) reported the same in a new draft (S. P. 594) under the same title and that it ought to pass.

Mr. Weeks from the Committee on Judiciary on Bill "An Act relating to town meetings" (S. P. 152, L. D. 168) reported the same in a new draft (S. P. 595) and that it ought to pass.

Which reports were read and accepted and the bills and resolve laid on the table for printing under joint rules.

The Committee on Judiciary on Bill "An Act providing for sentences and the imposition thereof" (S. P. 283, L. D. 568) reported as follows:

Report "A"—Ought to pass in a new draft (S. P. 596).

(Signed) Holman of Franklin, Laughlin of Portland, Eldridge of Eastport, Fernald of Winterport, Tompkins of Houlton, Goudy of South Portland.

Report "B"—Ought to pass.

(Signed) Weeks of Somerset, Holmes of Androscoggin, Farris of Augusta.

Report "C"—Ought not to pass.

(Signed) Hill of South Portland.

(On motion by Mr. Weeks of Somerset, tabled pending acceptance of any report).

Mr. Viles from the Committee on Federal Relations to which was referred the Memorial entitled "Memorial to Congress of the United States urging it to provide for a

wider use of granite in federal construction" (S. P. 572) reported that the same be adopted.

The Committee on Military Affairs presented its final report.

The Committee on State Lands and Forest Preservation presented its final report.

Which reports were read and accepted.

Sent down for concurrence.

The Committee on Salaries and Fees to which was referred for consideration all State and County salary matters under Joint Order, S. P. 34, have had the same under consideration and ask leave to make this interim report presenting their findings with reference to county salaries in the form of a bill under title of "An Act to reduce salaries of certain county officials" and recommends its passage.

The report was read and accepted and the bill was laid upon the table for printing under the Joint Rules.

### Passed to be Engrossed

Resolve appropriating moneys for anticipated overdrafts for which no legislative appropriation has been made, and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June 30, 1933. (S. P. 300, L. D. 917)

An Act relating to forcible entry and detainer. (S. P. 320, L. D. 525)

An Act relating to returns of telephone and telegraph companies and apportionment of tax. (S. P. 584, L. D. 904)

An Act relating to continuing accounts in departments supported by direct appropriations. (S. P. 585, L. D. 905)

An Act to provide for the appointment of additional justices of the Supreme Judicial or Superior Court in cases where any Justice thereof is totally and permanently disabled. (S. P. 586, L. D. 906)

Sent down for concurrence.

An Act relating to the construction and maintenance of bridges on state highways. (S. P. 167, L. D. 84)

An Act to amend the charter of the Ogunquit Village Corporation. (H. P. 857, L. D. 281)

An Act to provide for the surrender by town of Drew of its organization. (H. P. 1486, L. D. 778)

An Act relating to Penobscot and Passamaquoddy Tribes of Indians. (H. P. 1554, L. D. 875)

(At this point the President resumed the Chair, Mr. Weatherbee retiring amidst the applause of the Senate, the members rising).

Resolve relative to ice fishing in Moosehead Lake in the counties of Piscataquis and Somerset. (H. P. 1555, L. D. 882)

Resolve relating to fishing in the Little Magalloway River. (H. P. 1556, L. D. 883)

Resolve regulating fishing in Snow Mountain Pond. (H. P. 1557, L. D. 884)

Resolve regulating fishing in Androscoggin County. (H. P. 1558, L. D. 885)

An Act reducing the bounty on bobcat, loupervier and Canada lynx. (H. P. 1559, L. D. 876)

Resolve opening West Branch of Dead Stream to fishing. (H. P. 1560, L. D. 886)

Resolve relating to catching of trout in certain waters in Somerset County. (H. P. 1562, L. D. 888)

Resolve relating to ice fishing in No Name Pond. (H. P. 1563, L. D. 889)

Resolve relating to fishing in Androscoggin Lake. (H. P. 1564, L. D. 890)

Resolve relating to fishing in Fish River. (H. P. 1565, L. D. 891)

An Act relating to certain implements and devices prohibited; penalty. (H. P. 1566, L. D. 877)

An Act providing for the transfer of certain persons committed to jail to the state prison for safe-keeping. (H. P. 1568, L. D. 878)

Resolve in favor of a pension for Richard T. Kensell of Alna. (H. P. 1570, L. D. 892)

Resolve providing for a state pension for Fred Witham of Washington. (H. P. 1571, L. D. 893)

Resolve providing for a state pension for Lottie J. Jones of Washington. (H. P. 1572, L. D. 894)

Resolve providing for a state pension for Frank Cunningham of Washington. (H. P. 1573, L. D. 895)

Resolve providing for a state pension for William E. Dill of Randolph. (H. P. 1574, L. D. 896)

Resolve providing for a state pension for Jennie Briery of Gardiner. (H. P. 1575, L. D. 897)

Resolve providing for a state pension for Frank E. Wheeler of Newport. (H. P. 1576, L. D. 898)

Resolve providing for a state pension for Eunice N. Cunningham of Gardiner. (H. P. 1577, L. D. 899)

An Act relative to reduction sentence convicts in state prison. (H. P. 1578, L. D. 880)

An Act relative to application for parole by convicts in state prison. (H. P. 1579, L. D. 881)

Resolve providing for a state pension for Arthur P. Sanborn of West Baldwin. (H. P. 1588, L. D. 902)

### Orders of The Day

The President laid before the Senate, Majority and Minority Report from the Committee on Temperance, on Resolve Proposing the Repeal of the 26th Amendment to the Constitution Relating to the Manufacture and Sale of Intoxicating Liquors (H. P. 104, L. D. 56) Majority Report, "Ought Not to Pass"; Minority Report, "Ought to Pass", tabled by Mr. McDonald of Washington on March 8th pending acceptance of either report, and to-day assigned.

Mr. McDONALD of Washington: Mr. President and Members of the Senate, as a member of the Temperance Committee who signed the Minority Report "Ought to Pass" on Resolve Proposing the Repeal of the Twenty-sixth Amendment to the Constitution of Maine, Relating to the Manufacture and Sale of Intoxicating Liquors, I ask your indulgence for a few minutes this morning.

First, I believe there is a demand from the electorate of Maine to vote on this living issue.

Second, I am one of the many people who believe prohibition has not now and never did have any place in the Constitution.

This amendment, adopted September 8, 1884, proclaimed by Governor Robie to be a part of the Constitution, December 3, 1884, and took effect the first Wednesday of January, 1885. Since that time it has been voted on several times; at first reaffirmed by large majorities until in 1911 of 120,000 votes cast the amendment was retained in the Constitution by the small margin of seven or eight hundred votes. Since 1911 it has not been submitted to the people. It strikes me that the usual vein of the discussion of this matter has traveled along lines which are apt to lead one slightly away from the real issue. I have noticed that in discussing this matter of resubmission, and it has of course been frequently discussed, that remarks immediately fall into

lines of demarkation between prohibition on the one hand and license on the other, or enforcement or nullification, neither argument being material to the issue. Now there can be no question, there is no room for dispute, as to the proposition that the abuse of liquor is at the foundation of pauperism, insanity and crime to a great extent. On the other hand, there can be no argument but what crime has increased; people have become poorer and insanity increased under Constitutional Prohibition both State and National.

On the other matter of the relative merits of desirability of prohibition on one side and a license law on the other, we can never all agree. So long as there are different localities in the State, different kinds of citizens, different interests, it will be impossible for all people to agree upon those questions. It might just as well be recognized. Now I maintain that before we come to any discussion of the relative merits of this question we must decide some vital preliminary questions of a Constitutional nature before we can act intelligently upon this subject.

Now, what does it say? What is the question, anyhow? How do we get at it? Article 10, Section 2 of the Constitution says, 'The Legislature, whenever two-thirds of both houses deem it necessary may propose amendments to the Constitution.' That is what we can do if we deem it necessary. Well now, what are the rights of the people? Where do they stand towards this matter? Is there anything here which gives them any interest in the settlement of this question?

Mr. President, the first article of the Constitution is the very bed-rock, the foundation stone of the whole edifice. In that is specified the natural and primary rights of its citizens. Upon that structure the whole edifice stands; and if that foundation is ever shaken the whole house falls.

Now in the second section of Article 1 it is provided, and always has been, that all power is inherent in the people, all governments are founded in their authority and instituted for their benefit. They have, therefore, an inalienable and indefeasible right to institute government and to alter, reform or totally change the same when their safety and happiness require it.

It seems then, that we cannot get away from the fundamental proposition that the people are given at the start, have always had and have now, an inalienable and indefeasible right to alter, reform or change this form of government if they deem it necessary, if they deem their safety and happiness requires it.

Now, then, what is the proper attitude of this Legislature concerning any proposed change of this kind? I maintain and always have, that no change in the Constitution, either by taking anything away or by adding anything to it, should ever be made unless preceded by long continued agitation followed by a demand from the citizenship, clear and unmistakable. Now, have we had agitation? I think we certainly have had. This thing has been agitated for many years. It has been before the citizenship more than any other question, in societies, churches, in the Grange, and in stores. It has come up here in the legislature time and again, and the agitation has certainly been sufficient.

Now, is there a demand, and is the demand clear, and is it unmistakable? Of course, we have honest differences of opinion whether or not the demand is clear and imperative, because if it is, acting under their Constitutional rights, the people have a right to vote on this question and we cannot properly, as legislators, stand between them and their rights if we believe that their demand is clear. Of course, if we believe that it is not, it is our duty to vote the other way.

There are several ways of finding out how the people stand upon this question of their demand. If you analyze the votes of the last election in Maine, although I admit there was no clause for repeal of the State amendment in the Democratic platform, yet in view of the prominence of our National platform, many people thought the liquor question more important than the economic one, and recorded their votes accordingly. Again, the increased number of Democratic Senators and Representatives in this legislature, and with two Democratic Congressmen out of three elected, as well as the election of Governor Brann, all openly advocating repeal of the Eighteenth Amendment, and all this happening in a Presidential year, seems to me



to point to the fact that the people of Maine desired a change in the administration of her liquor problems.

Again, as you talk with the people in your every day walks of life, isn't it your judgment that the people demand an opportunity to vote upon this important Constitutional amendment and isn't that demand clear and decisive?

No woman in Maine has ever had the opportunity to vote on this question, and no man under 42 or 43 years of age has had an opportunity to register his vote. In 1911 when this matter was presented to the electorate, the amendment was reaffirmed by approximately 800 votes or a few less. In 1932 243,000 voted in our September election, due to the entrance of women in politics. Now it is frequently argued that women are all for retention of our present methods, but here is where I disagree with you. Among the more than 9000 names on the petitions for repeal of this amendment were to be found women of prominence in our State and Nation. members of business and professional women's clubs, stenographers, school teachers, domestics, nurses and housewives. I do not mean that everybody in the State demands it. I maintain, however, that a majority of the citizens of this State are in favor of, and desire an opportunity to vote upon the question, and that we are confronted with that as a fact. Now, when we find that to be a fact, I think that that is practically a settlement of a necessary primary question.

Now, my idea is that in approaching this thing as we must conscientiously, we should go further and figure as to the effect of this proposition to resubmit this amendment to the people. What is the effect, and what may be the effect? I think that a good many people do not fully understand it. It was said, at the hearing on this question, by a distinguished gentleman, that should repeal of the Constitutional amendment ever come, Maine would have no protection whatever against the liquor interests.

Prior to the passage of this amendment, which was in 1884, there were for 25 years stringent laws on the Statute books against the sale of liquor. When the amendment was passed in 1884 those same

laws were there. After it was passed they were there and they are there now. If this amendment is ever repealed by the people, it will not in any degree change one word or line of the Statutes prohibiting the sale of intoxicating liquors. Moreover, it will leave it entirely in the hands of the Legislature then and thereafter to take care of the question as it sees fit.

Should this amendment be repealed, leaving it as it does then, entirely in the hands of the Legislature to pass by statutes as it sees fit in its wisdom, any prohibitions against the sale of liquor, right there is a very important consideration and one that has a very intimate connection with this question, that the Constitution has been previously changed on referendum, so that the people participate in legislation. If the Constitution was as it used to be, if the people had no opportunity to reject our laws, and no chance to introduce anything themselves that they might have to pass in the way of legislation, I think a man could well hesitate longer perhaps before voting to give an opportunity to repeal this provision, to submit this provision so it might possibly be repealed. But the provisions surrounding legislation now are such that we can more safely entrust this matter to the Legislature, than perhaps could otherwise be done because if the Legislature passes any statute hereafter in regard to the sale of liquor, whether prohibiting it absolutely or licensing it or giving local option with license or in any other way, that situation will be met right squarely in the face with the fact that the people will have a chance to reject any act they may pass on the subject; and if the legislature should fail to pass legislation demanded by the people, the people have a right to propose it to the Legislature for their consideration and if the Legislature does not see fit to pass it, it can go back to the people and they can pass it so there would not be any very great opportunity of perversion of the function of legislation along those lines on account of the amendment to the Constitution which was passed in 1907.

There are a great many people in this State, and I think I am one of them, who believe that the Con-

stitution is really no place for a law of this kind, that the real place for it is on the Statutes of the state where it was prior to 1884 and where it is now and where it ought to be.

Now, in looking at that matter, Mr. President, a person familiar with the situation sees that there is nowhere else in the Constitution any subject apparently akin to this one.

The Constitution provides and fixes and defines the great natural rights and principles of our citizenship and then, of course, establishes the form of government, defines the lines between the legislative, the executive and judicial departments, regulates the methods of voting and methods of protection by the military departments, and those great fundamental principles which we are obliged to have in order to be a public organization and government. And where in the Constitution do you find any parallel, any similar subject to this law which regulates and prohibits the sale of liquor? Is it any more reasonable, is there any greater propriety in enacting legislation prohibiting the sale of liquor, in putting it in the Constitution, than there is in incorporating a provision prohibiting the sale of poisons? I apprehend not, looking at it from an ordinary, reasonable standpoint.

It was put in the Constitution in 1884 purely so as to prohibit the Legislature from getting away from the desires of the people touching legislation that they might not approve of. But as I explained in relation to the referendum, that has changed. The objection no longer prevails to that extent. It is my idea that this opinion that the Constitution is no proper place for a provision of this kind, will increase, and I believe it is entertained by the best jurists and thinking men of the State. I believe as time goes on it will be increasingly so. I believe the time will come when it will be considered an anomaly that we ever had this kind of legislation in the Constitution, because I believe we can handle it in an entirely satisfactory manner in our legislature by the representatives of the people supplemented by the people themselves.

We are, in a sense, a jury, the only body which has a right to decide this particular question. The

responsibility is entirely upon us to say whether we will stand between the people and the opportunity which they desire, and as such we alone are responsible to the people.

I suppose a large number of, and a variety of reasons animate different people who favor the submission of this amendment. A considerable group of people desire a submission of this amendment for the purpose of voting for it or reaffirming it, as they say. Now that idea prevails among a considerable number of the people of this State. Others, probably a larger number, desire to submit this to the people to have this provision repealed so that the Legislature and the people if they desire it, can enact a license law coupled with local option. That is a logical reason and a frank one, and one they are entitled to have, and it does prevail among a great many people and it animates a great many high minded, honorable and well meaning people.

There are others, and as I say, I am one of them, who feel on account of the fact that the Constitution is properly and fundamentally no place for this kind of legislation, that it should be removed from the Constitution and kept on the Statute books of the State where it can be handled by the Legislature and the people. And I think that the number of people who take that attitude will constantly increase, and has increased of late.

There are some, of course, who will vote either for or against this measure as a matter of political expediency, a reason they are entitled to. No doubt there are a lot of young men in the State who have come to the front and say they are a new generation and that they feel they want to be considered, they want to have a vote and a voice on this matter. Probably they would not have had that thought if this matter had not been agitated so much.

Probably some people want to vote on this matter because they think they are deprived of some rights that they ought to have. That idea may have been unconsciously fostered by political speakers during the last several campaigns. It simply goes to swell the number of citizens of the State who take the position I have indicated, that they desire and de-

mand an opportunity to vote upon this question.

I think those groups of people with those various reasons each of which they are entitled to have whether they are logical or not,—it seems to them that they have a right to them,—I think those groups of people taken together are rapidly becoming, and have become more than a majority of the people of this State. On the other hand, of course there is one large reason which has been and always will be given for refusing to submit this amendment to the people and that is because the people may vote to repeal the Prohibitory Law and may allow the sale of liquor without sufficient restrictions. This is the one fundamental reason that has been given. I cannot see that any other can be given for a refusal to submit this law to the people. That is a perfectly honest reason that may seem, that does seem, to a large number of people to be a sufficient reason for their attitude in opposing this resolve.

My last reason for desiring repeal of this amendment is the hardship which it has worked on people who desired liquor for medicinal use. Without repeal of this amendment any repeal of the Eighteenth Amendment means nothing, and Maine has long had the reputation of refusing liquor even for medicinal use. In many states, physicians' prescriptions may be filled at some drug stores, but this cannot be done in Maine. A physician in this state, owing to our laws, may prescribe liquor but there is no place where the patient may go to get the prescription filled. Maine has never seen fit to trust her doctors to limit their prescriptions for liquor to the people whom they may believe really require it for medicine. The theory in Maine seems to have been that doctors should never prescribe whiskey, brandy or any kind of liquor for any purpose or under any conditions, and so they have been deprived of the privilege of doing so. The result has been that whenever physicians have recommended to their patients that it might be well for them to have some liquor and use it in the way prescribed, the patient has been obliged to go forth and deal with the bootlegger and buy the best kind of liquor that could be had from such a source. This has been going on in Maine for many years, greatly to

the benefit of the bootlegger. There are many instances in Maine where doctors who prescribe whiskey for their patients suffering from 'flu' were only able to obtain it through the bootlegger. Maine people have appeared never to have urged that this condition be changed. If they have urged it, nothing has ever been done about it, although we believe that there have been many physicians who have given public expression to the opinion that some provision should be made in this State where prescriptions for liquor for medicinal purposes could be obtained, without compelling those who would be law abiding citizens to deal with law breakers, thereby defeating the only object for which law was made.

Now, in conclusion: If the people of Maine ever repeal this Amendment, they will not have voted against prohibition, nor in favor of license. They simply remove from the Constitution something which never should have been there, as it has nothing to do with our organic or fundamental law, and that a great moral question like this should be left where it could be dealt with by the Legislature, backed by the will of the people themselves.

And who is there in this Senate, who does not revere and love the Constitution, and did we not at the beginning of this session, take an oath to support that Constitution?

There should not be in it a law which will be violated, and none of you, my friends, will tell me that in the future any more than in the past, you can promise me that the prohibitory law will be enforced.

Just keep this matter in the Constitution and you will have the Constitution trampled in the mud and mire by being violated as you know it is going to be. You know it from past experience and you do not expect it will ever be enforced.

Mr. President, I move the acceptance of the Minority Report, "Ought to Pass."

Mr. FARNSWORTH of Aroostook: Mr. President, I have no desire to enter into an academic discussion of this question. I may say, however, on behalf of my committee that I think this bill was duly and properly advertised and we had one of the largest hearings that has been held here this session in the hall of the House of Representatives which was well filled and those who attended

that hearing in opposition to the measure out-numbered those who supported the measure. And I may also say, I think, that we had a great many petitions coming to us from all over the State and that the opponents out-numbered the proponents on those petitions.

In addition to that I think I might state that I have had nearly four hundred letters from citizens of Maine all over the State from Calais to Norway, from Kittery to Portage Lake, opposing this proposed measure and on the other hand I received some three or four letters in support of the measure. Therefore, I feel that on the evidence submitted to the jury—I don't claim to know what the sentiment of the people of Maine is but on the evidence submitted to the jury, or submitted to the committee, if you please—I am fully justified in voting against this proposed measure.

**THE PRESIDENT:** The question is on the motion of the Senator from Washington, Senator McDonald, that the Minority Report of the committee on Temperance "Ought to Pass" be accepted.

**MR. WEATHERBEE** of Penobscot: Mr. President, I do not intend to enter into any long discussion of the question which is now before the Senate but, some statements have been made which are incorrect and will be very misleading when the record of the doings here today are read. And I would like to correct some of those statements that my distinguished friend the Senator from Washington (Senator McDonald) gives supporting his seventh and last reason why we should have resubmission of the 26th Amendment and why there should be a repeal of that amendment.

He says that doctors ought to have the right to prescribe intoxicating liquors for the use of their patients in sickness. That is true. They should have that right. But there is no reason in the world why the 26th Amendment to the Constitution of Maine need be amended or repealed to afford that privilege to the doctors of the State of Maine.

I am sure that the distinguished Senator could not have had clearly in mind the provisions of the 26th Amendment to the Constitution of Maine. That amendment stands in the way only of the creation by law of the legalized saloon in the State of Maine. It prohibits a Legislature forever from legalizing the sale of

intoxicating liquors in the State of Maine but it does so in these words, "provided that the sale of these liquors for medicinal and mechanical purposes and the arts shall be permitted under such regulations as the Legislature may impose." So then, the Constitution of Maine does not prevent the doctor from prescribing liquors for his patient and the Constitution of Maine does not prevent the patient from getting liquor for medicinal and mechanical purposes.

It is within the power of this Legislature to pass a law authorizing the sale of intoxicating liquors for those very purposes, and as a matter of fact we had such regulations many years ago. In 1883 in the Revised Statutes you will find the whole machinery provided. It provides for the appointment by the Governor of a State Liquor Agent under proper restriction. It provides that he shall sell pure liquors to municipalities at a profit of only 7%. It permits municipalities to set up liquor agencies in their own towns where intoxicating liquors may be sold for medicinal and mechanical purposes.

Now, what more do you want than that? The Legislature may make any such regulation as it in its wisdom may deem proper. It may permit the sale of a quart a month, or two quarts, for those purposes. That is in reason. Does anybody ask for more than that? There is nothing more that you could wish for except the legalizing of the sale of liquor for beverage purposes and we ought not to be concerned about the matter, when up to today both political parties throughout the nation concede that the saloon is a thing of the past and that they do not propose to ever legalize it again in America.

So I see no reason in the world why this 26th Amendment should be repealed.

Now, it is an historical fact, speaking from a political standpoint that it was the party to which the distinguished gentleman from Washington belongs that repealed all the statutory provisions permitting the sale of intoxicating liquors for medicinal purposes. It was his party that wiped all of those laws permitting the sale of liquor for that purpose from the statute. And then the Republican party came into power and it did not have the foresight or the courage to reenact those provisions.

I am one who believes that a Leg-

islature ought to reenact those laws and permit the sale of liquor for these proper purposes. I agree with the Senator from Washington (Senator McDonald) in that respect but I say that the Constitution does not stand in the way of such regulations.

This matter, I believe, should not go to the people at this time for them to pass their judgment upon it because there has been no demand for it from the people. The platforms of both of the two political parties were silent upon the question of resubmission of the 26th Amendment. The Democratic party did advocate the repeal of the Federal Amendment, the 18th Amendment. The Republican party in convention did endorse the 18th Amendment. But the mere fact that both were silent upon the question, in this State, of the 26th Amendment carries the conviction that there is no indication on the part of either convention to have any controversy over the 26th Amendment. The matter was not discussed at all by either party and there is absolutely nothing to be gained by resubmitting the question unless we do believe in establishing the saloon, providing local option and the licensing of the liquor traffic as a whole. And I do not believe that the Democratic party in Maine today stands for any such proposition. I am sure that it does not. And if the Constitution gives you the privilege of having liquor for all other purposes other than that of beverage purposes, why submit the question to the people?

Of course the people have a right to vote but they should not be required to vote if they have not asked for that privilege. They should not be required to vote upon a constitutional matter. Now, where is the demand? If we are to determine the demand by the petitioners as shown by the papers in the hands of the committee, why then it is fair to assume that we should also determine the opposition of the State in the same manner and as the opponents out-number the proponents, why submit this question at this time?

I am opposed to the resubmission of this question at this time because we are going to vote upon the question of the 18th Amendment which is far more important even to the citizens of the State of Maine.

I shall vote for retention of the 26th Amendment worded as it is. If

I had an opportunity I should vote in favor of the repeal of the 18th Amendment because I believe the liquor question is a question for determination by each state and I am not going to take up any more time in discussing this matter. I just wish to call the attention of the Senator to the fact that he can get today by legislative enactment all that he really wants and I hope his motion will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator McDonald, that the Minority Report, "Ought to Pass" be accepted.

Mr. HOLMES of Androscoggin: Mr. President, I ask for a division.

A division of the Senate was had.

Six having voted in the affirmative and twenty-three opposed, the motion of the Senator from Washington, Senator McDonald, to accept the Minority Report "Ought to Pass," did not prevail.

Thereupon, on motion by Mr. Weeks of Somerset, the Majority Report, "Ought Not to Pass" was accepted in concurrence.

The President laid before the Senate, Majority and Minority Report from the Committee on Judiciary, on "An Act to regulate the distribution of public funds to hospitals"; Majority Report "Ought Not to Pass," Minority Report "Ought to Pass in New Draft" (S. P. 109, L. D. 208), tabled by Mr. Robie of Cumberland on March 8th pending the acceptance of either report; and the Chair recognized that Senator.

Mr. ROBIE of Cumberland: Mr. President and members of the Senate, I move the acceptance of the Minority Report "Ought to Pass in New Draft." This measure in no way detracts or adds to the merits of osteopaths as physicians. That particular phase of the situation was covered by a previous legislature when they granted them the right to practice after having passed the regulations of their board.

This bill provides for those of the public who desire hospital treatment by osteopaths, which privilege they are now denied. The bill as drawn states, as you will see by referring to it, that all hospitals that receive any public funds appropriated to assist in the care of residents of the State shall admit to

practice therein the osteopaths who are licensed by the board of osteopathic examination and who are qualified to practice obstetrics and surgery according to the laws of our State, and to treat their own patients in private rooms provided, however, that any such hospital may at its option set aside certain rooms therein for the use of such physicians as an osteopathic unit.

I do not want to take the time of the Senate to discuss this as it has been discussed considerably of late. I will ask, however, that the members of the Senate grant me the privilege of accepting this report "ought to pass" so that the bill may go to its first reading in order that I may introduce an amendment which removes any objection to the bill which we have been able to find so far. The purpose of the amendment is, as stated, that these osteopathic physicians should be admitted, or their patients rather, to hospitals subject to the approval of the boards of trustees of the respective hospitals.

Therefore, Mr. President, I move the acceptance of the Minority Report, "Ought to Pass in New Draft."

Thereupon, the Minority Report of the Committee on Judiciary "Ought to Pass in New Draft" was accepted; and the bill was given its first reading.

Mr. Robie thereupon offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 853. Strike out the entire section after the enacting clause and substitute the following: 'Condition attached to hospital appropriations. All hospitals in this State which receive any public funds appropriated to assist in the care of residents of the State shall, subject to the approval of the boards of trustees of the respective hospitals, admit osteopathic physicians who are in good standing and licensed to practice obstetrics and surgery according to the laws of the State to treat therein their own paying patients in private rooms, provided, however, that any such hospital may at its option set aside certain rooms therein for the use of such patients as an osteopathic unit.'"

Thereupon, Senate Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Towle of Kennebec, the Senate voted to take from the table, An Act to reduce certain fees of deputy sheriffs for the next two years (H. P. 1399, L. D. 802), tabled by that Senator on March 15th pending adoption of House Amendment "A" in concurrence.

Mr. TOWLE of Kennebec: Mr. President, I wish to move the indefinite postponement of House Amendment "A" and I wish to say a few words in explanation of the motion.

This original bill is the bill that came from the Committee on Salaries and Fees with their unanimous approval which was gone into on the order that was passed here the first part of the session. The committee was unanimous in reporting this bill for a salary reduction of 20% and the reason for it is that six out of the eight counties which reported any recommendations whatever on deputy sheriffs recommended a 20% reduction. The deputy sheriffs and the county jurors were both raised four years ago from four dollars a day to five dollars a day. You have already passed the juror bill the effect of which is to reduce the salaries of the jurors to four dollars. This amendment seeks to put the deputy sheriffs back to four dollars and a half a day. This makes an added burden to the county of \$4.500 to the different counties of the State.

We have in the possession of the committee all of the county commissioners' reports for the year 1932 and according to those reports there are at least five counties in the State where the deputy sheriff gets more than the sheriff, which would seem to be out of line.

And for the reasons that I have stated I move the indefinite postponement of House Amendment "A" in non-concurrence.

Thereupon, on motion by Mr. Bissett of Cumberland, the bill was laid upon the table pending the motion of Mr. Towle of Kennebec to indefinitely postpone House Amendment "A" in non-concurrence.

On motion by Mr. Holmes of Androscoggin, the rules were suspended that that Senator might introduce an order out of order.

Mr. HOLMES of Androscoggin: Mr. President, before the order is read may I make a word of ex-

plantation? The Senators will remember that there were some reports from the Committee on Judiciary of "ought not to pass" on certain bills amending the pauper laws. Our pauper laws are at least a hundred years old and there is a question in the minds of a great many people of the State, especially those upon whom responsibility rests for administering them, both in the State Public Welfare Department and the towns and cities, that they are antiquated and have broken down under modern conditions.

On talking it over, the members of the committee with Mr. Leadbetter, head of the Public Health & Welfare Department, it seemed to be a good idea for this Legislature not to try to reform them now but to have appointed a recess committee to see if such reforms could not be effected by the next Legislature, and that is the purpose of the order.

The Secretary read the order:

"Ordered, the House concurring, that a committee of five be appointed, two from the Senate to be named by the President of the Senate and three from the House to be named by the Speaker of the House, whose duty it shall be to study the laws of the State relating to support of paupers and the practical working of such laws and to consider the desirability of amending the same and report to the next Legislature. The Commissioner of Health & Welfare shall act as a member of said committee ex-officio. Such committee shall receive such compensation and allowances for travel and other expenses as may be approved by the Governor and Council." (S. P. 605)

The order received passage.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act to change the time for holding the annual town meeting of the Town of Sanford, York County, Maine and for other purposes (H. P. 628, L. D. 294), tabled by that Senator on March 13th pending second reading; and on further motion by the same Senator the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Jackson of Cumberland, the Senate voted to take from the table, An Act relat-

ing to reports to towns of excise tax payments (H. P. 1170, L. D. 561), tabled by that Senator on March 15th pending adoption of House Amendment "B" in concurrence; and on further motion by the same Senator House Amendment "B" was adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Hathaway of Piscataquis, the Senate voted to take from the table, New Draft. An Act relating to apothecaries and sale of poisons (H. P. 1527, L. D. 836), tabled by that Senator on March 15th pending passage to be engrossed in concurrence.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment "A" to Legislative Document 836 entitled An Act relating to apothecaries and sale of poisons. Amend said bill by striking out in the 28th and 29th lines thereof the words 'medicine and' and by striking out in the 29th line thereof the words 'acting jointly.'"

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

Sent down for concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, An Act granting preference to Maine bidders (H. P. 153, L. D. 85), tabled by that Senator on March 15th pending motion by Mr. Robie of Cumberland to indefinitely postpone in non-concurrence.

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Jackson of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "Ought Not to Pass" on An Act providing for mechanic's lien (S. P. 288, L. D. 647), tabled by that Senator on March 3rd pending acceptance of the report; and on further motion by the same Senator the report of the committee "ought not to pass" was accepted.

Sent down for concurrence.

On motion by Mr. Kitchen of Aroostook, the Senate voted to take from the table, House Report from the Committee on Claims on "Resolve in favor of Frederick A. Furbish of Mt. Vernon" (H. P. 747, L. D. 413) reported the same in a new draft (H. P. 1520, L. D. 842) under the same title and that it ought to pass, tabled by that Senator earlier in today's session pending recommitment to the Committee on Claims in concurrence.

Mr. KITCHEN of Aroostook: Mr. President, I yield to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, this bill was reported out by the Committee on Claims upon the belief that the claimant owned the land which he claimed had been damaged by beavers but since reporting it we have learned from another who is a relative of the claimant that the claimant does not own the land at all but that he himself does own it and asks for no damage, so I do not think the bill should go back to the committee and I move that the bill be indefinitely postponed in non-concurrence.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, New Draft, An Act relating to state aid academies (H. P. 1521, L. D. 833), tabled by that Senator on March 13th pending assignment for second reading; and on further motion by the same Senator the bill was tomorrow assigned for second reading.

On motion by Mr. Angell of York, the Senate voted to reconsider its action taken earlier in today's session whereby, An Act relating to size of fish and weight of catch limited, New Draft, (H. P. 1567, L. D. 900) was indefinitely postponed in concurrence; and on further motion by the same Senator the report of the Committee on Inland Fisheries and Game "Ought to Pass" was accepted in non-concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Weeks of Somerseset, the Senate voted to take from the table, Divided Senate Report, from the Committee on Judiciary

on An Act providing for sentences and the imposition thereof (S. P. 283, L. D. 568); Report "A" "Ought to Pass in New Draft" (S. P. 596); Report "B" "Ought to Pass"; Report "C" "Ought Not to Pass"; tabled by that Senator earlier in today's session pending acceptance of any report; and on further motion by the same Senator Report "B" "Ought to Pass" was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Angell of York, the Senate voted to take from the table, An Act relating to closed seasons in the several waters of the State (H. P. 710, L. D. 371), tabled by that Senator yesterday pending adoption of House Amendment "A" in concurrence; and on further motion by the same Senator House Amendment "A" was adopted and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Weeks of Somerseset,

Recessed, until four o'clock this afternoon.

#### AFTER RECESS

The Senate was called to order by the President.

#### Report of Committee

(Out of Order)

The Committee on Agriculture on Bill "An Act regulating the manufacture and sale of ice cream and other frozen desserts" (S. P. 297, L. D. 544) reported that legislation thereon is inexpedient and that it ought not to pass.

Mr. ROBIE of Cumberland: Mr. President, with the consent of the three Senate members of the Committee on Agriculture I move that this bill be committed to the Committee on Public Health.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Page of Somerseset, the Senate voted to reconsider its action taken this morning whereby the final report of the Committee on State Lands and Forest Preservation was accepted; and on further motion by the same Senator the report was laid upon the table pending acceptance.

From the House, out of order  
Bill, An Act for the protection of



savings banks and depositors therein (S. P. 590, L. D. 918).

In the House, under suspension of the rules, House Amendment "A" was adopted, the bill was given its several readings and passed to be engrossed as amended by House Amendment "A" 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, House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

From the House, out of order  
Bill, An Act for the protection of  
trust companies and depositors  
therein. (S. P. 589, L. D. 919)

In the House, under suspension of the rules, House Amendment "A" was adopted, the bill was given its several readings and passed to be engrossed as amended by House Amendment "A" 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, House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

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On motion by Mr. Littlefield of  
York,

Adjourned, until tomorrow morn-  
ing at ten o'clock.