

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

## SENATE

Wednesday, April 7, 1943

The Senate was called to order by the President.

Prayer by the Reverend Mr. Galarnau of Lewiston.

Journal of yesterday read and approved.

### From the House

From the House: Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row." (H. P. 1303) (L. D. 834)

(In the Senate, on April 1, the Majority Report was read and accepted and the bill was passed to be engrossed in concurrence.)

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

In the Senate, that Body voted to recede from its former action whereby the bill was passed to be engrossed in concurrence. House Amendment A was read.

Mr. FRIEND of Somerset: Mr. President, I wish to move the indefinite postponement of this amusement, which is House Amendment to the "Five-in-a-Row" Beano bill. The reason for the Five-in-a-Row bill was in the first place, to legalize it and, in the second place to clean up the game and make it a proper game for everybody to play. Also the intent of it was to eliminate from it as far as possible, to eliminate gambling, to eliminate the racketeer and the crook who comes in from outside and wants to run a big game in some hall of some city and have a door charge and play for money and large stakes. We believe that the Beano bill that has been passed to be engrossed in both the House and the Senate does this.

Now, this amendment does just the opposite from this. This amendment opens up the game to crooks and racketeers, and I will show you why. Section 3 says, "the Chief of the State Police may issue licenses to operate such amusement, provided, however, that no such license shall be issued for more than six days to any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans' organization." Now, it limits the organizations which should be allowed to run Beano.

It also says that, "Such organizations must be in existence at least two years prior to the passage of this act," but it doesn't say anything about anybody else. That makes it so that it is possible for outsiders and racketeers and crooks, whom we want to eliminate, to come into the state and run these Five-in-a-Row games so it does just the opposite from what the intent of the present Beano bill is, which is supposed to eliminate racketeering and crooks.

It also makes it possible for licenses to be issued for only six days but it limits the license fee to \$2.00. This \$2.00 fee would not be anywhere near sufficient for the chief of the highway police to pay the expenses of the supervision. It would cost the state a lot of money and it would be a real bother to the American Legion and other organizations to obtain a license every week for only six days at a time. They might run several times a year and they would have to obtain licenses for every time.

The bill also says that "there shall be no charge for admission to such amusement". This would mean that organizations like fairs couldn't charge admission to the gate if they had Five-in-a-Row or a Beano game in the fair grounds.

I believe that the amendment is all wrong and I hope that the motion to indefinitely postpone it will prevail.

Mr. BROWN of Aroostook: Mr. President, I differ entirely with the Senator from Somerset, Senator Friend, that this is going to open up the door to racketeering. I think it is a very effectual method of preventing racketeering because no one but the bona fide organizations mentioned here can run a game of Beano in the state of Maine.

Under this amendment, the racketeers and the people who are planning to come in here from Massachusetts, and we know they are planning to come, couldn't obtain a license. Therefore they would be under the present law and would be subject to fine and punishment if they ran it. If this is, as those who originated the bill say, just a bill for a harmless amusement, this amendment provides a method by which it can be carried on in the state of Maine without the racketeering which went on in Massachusetts. As you know, Massachu-

setts which had this game for several years has very recently barred it on account of the racketeering which was going on and now the Massachusetts racketeers are ready to move into the state of Maine, but under this amendment they would be shut out, and I am heartily in favor of the amendment.

Mr. McGLAUF LIN of Cumberland: Mr. President, I have not a copy of the amendment, but I read in the newspapers what the amendment proposed to do. I am definitely opposed to the Beano game, but this amendment, in my opinion, is a thousand percent improvement over the original bill. I hope that the motion of the Senator from Somerset, Senator Friend, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Friend, that House Amendment A be indefinitely postponed. Is the Senate ready for the question?

Mr. DUNBAR: Mr. President, when the vote is taken, I ask that it be taken by a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and seven opposed, the motion prevailed and House Amendment A was indefinitely postponed in non-concurrence.

Mr. FRIEND of Somerset: Mr. President, I now offer Senate Amendment A, and before it is read, I will say that this satisfies the objections of some, at least, of those who have been opposing the bill.

The Secretary read Senate Amendment A:

"Senate Amendment A to H. P. 1303, L. D. 834, Bill 'An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row.'

Amend said bill by striking out all of section 3 thereof and inserting in place thereof the following:

**'Sec. 3. Issuance of licenses; fees.** The chief of the state police may, at his discretion, issue licenses to operate the amusement known as "Five-in-a-Row," provided however, that no such licenses shall be issued unless the consent of the municipal officers of the city or town in which such amusement is to be conducted has been obtained. No licenses issued hereunder shall be valid for a period exceeding 16

weeks. The fees for such a license, which shall be paid to the chief of the state police, and paid over by him to the treasurer of state to be credited to the general funds, shall be as follows: A minimum fee of \$500 for any person, firm, association or corporation to operate such amusement in any one town, and \$10 for each seat used in excess of 100; a minimum fee of \$500 for any person, firm, association or corporation to operate such amusement at established agricultural fairs, and \$10 for each seat used in excess of 100; a minimum fee of \$10 for any bona fide charitable, educational, fraternal, patriotic, religious, or veterans' organization, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof only, to operate 1 day in each week during said 16-week period, and \$1 for each seat in excess of 100; except that a minimum fee of \$5 may be charged one of said organizations for a license to operate such amusement using not more than 100 seats for 1 day only.

No person, firm, association or corporation shall operate such amusement with more than 200 players at any one game. All persons playing the amusement known as "Five-in-a-Row" shall be seated.

No such licenses shall be assignable or transferable. There shall be no charge for admission to such amusement, or to the hall where said amusement is held, and the maximum charge per game for each player shall not exceed 10c for the 1st tally card and 5c for each additional tally card."

Mr. FRIEND of Somerset: Mr. President, the only way that this Senate Amendment A changes the present bill is that it limits the number of players to a game to 200, not more than 200 can play at one time, and there is a clause in the bill limiting the price they can charge for their cards at 10c, and 5c for each additional card, and it does not permit the charging of admission to the hall. Now, these limitations, the 10c limit on cards and the 200 limit on players, it would seem would absolutely prevent the racketeer from coming in from outside and being able to run a large game with a large prize. And that is the reason for the amendment, to eliminate the racketeer.

Mr. OWEN of Kennebec: Mr. President, there are one or two words in that amendment that I can't remember and therefore I move that it be retailed until later in the day.

The motion prevailed and the bill was laid upon the table pending adoption of Senate Amendment A.

Bill "An Act Authorizing the Department of Health and Welfare to Regulate Public and Private Institutions." (H. P. 823) (L. D. 377)

(In the Senate, on March 19, the bill was substituted for the report and passed to be engrossed in non-concurrence.)

Comes from the House, the bill indefinitely postponed in non-concurrence.

In the Senate, that Body voted to recede and concur with the House in the indefinite postponement of the bill.

Bill "An Act Relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method." (H. P. 1291) (L. D. 814)

(In the Senate, on March 24th, passed to be engrossed in concurrence.)

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

In the Senate, that Body voted to recede from its former action whereby the bill was passed to be engrossed, House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Relating to Conscientious Suffering Preceding Death." (S. P. 473) (L. D. 854)

(In the Senate, on March 29th, passed to be engrossed.)

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

In the Senate, on motion by Mr. Harvey of York, under suspension of the rules the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and on further motion by the same Senator House Amendment A was read and adopted in concurrence,

and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Relating to Institutional Farms." (H. P. 1348) (L. D. 886)

(In the Senate, on April 5th, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

LEAVITT of Portland  
DENNY of Damariscotta  
BUZZELL of Fryeburg

In the Senate, that Body voted to insist and join with the House in a Committee of Conference.

The PRESIDENT: The Senate conferees of such committee will be announced subsequently.

The Committee on Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Providing for Emblems Designating the Members of the Legislature," (H. P. 1267) (L. D. 774) reported that they were unable to agree.

The Committee on Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Create a Board of Fire Commissioners for the Town of Sanford," (H. P. 1302) (L. D. 831) reported that they are unable to agree.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing a Re-issuance of Bonds for the Purpose of Refunding Kennebec Bridge Bonds" (H. P. 1072) (L. D. 561) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Claims on "Resolve in Favor of the City of Eastport," (H. P. 624) reported that leave be granted to withdraw the same, as it is taken care of otherwise.

The Committee on Education on Petition of Guy L. Thomas and others in favor of (H. P. 589) reported that the same be placed on file.

The Committee on Claims on "Resolve to Reimburse the Town of Charleston for Expenses Incurred in Support of a State Pauper," (H. P. 1214) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Miles Memorial Hospital of Damariscotta," (H. P. 1210) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Etna to Cover Expenses of Relief of Arthur M. Clewley," (H. P. 277) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on "Resolve Reimbursing the Town of Trescott for Bounty Paid to Vincent Foley," (H. P. 531) (L. D. 899) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the Town of Newry for Bounty Paid," (H. P. 1084) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Leland Andrews, of Hartford," (H. P. 1087) reported the same in a new draft (H. P. 1359) (L. D. 901) under the same title, and that it ought to pass.

The same Committee on "Resolve in Favor of William F. Tracy, of Passadumkeag," (H. P. 442) reported the same in a new draft (H. P. 1362) (L. D. 905) under the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence, the resolves read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

The PRESIDENT: The Chair notes the presence in the Senate Chamber of the distinguished former Governor, Louis J. Brann and will request the Sergeant at Arms to escort ex-Governor Brann to the rostrum.

Thereupon, the Hon. Louis J. Brann was escorted to a seat at the right of the President, amidst the applause of the Senate.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court," (H. P. 342) (L. D. 202) reported that the same ought to pass.

Comes from the House, report read and accepted, House Amendment "A" adopted, but subsequently indefinitely postponed, and the Bill passed to be engrossed.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

The Committee on Claims on the following Resolves:

S. P. 41. Resolve in Favor of Preston Chadbourne.

S. P. 74. Resolve in Favor of Mrs. Henry B. Baker of Bar Harbor.

S. P. 94. Resolve in Favor of Alonzo Kinney of Morrill.

S. P. 237. Resolve in Favor of C. W. Harnden of Phillips.

H. P. 6. Resolve in Favor of W. W. Hamlin of Otisfield.

H. P. 7. Resolve in Favor of Forrest Edwards of Otisfield.

H. P. 25. Resolve in Favor of Eugene Sherburne of Winthrop.

H. P. 31. Resolve in Favor of W. D. Archer of Amherst.

H. P. 63. Resolve in Favor of Pearl Dickey of Morrill.

H. P. 67. Resolve in Favor of John L. Taylor of Bingham.

H. P. 75. Resolve in Favor of Arthur J. Barnes of Topsham.

H. P. 76. Resolve in Favor of William T. Stevens of Topsham.

H. P. 83. Resolve in Favor of James H. Bartlett of Greenville.

H. P. 130. Resolve in Favor of Lewis White of Winterport.

H. P. 166. Resolve in Favor of Abner B. Kimball of Bethel.

H. P. 214. Resolve in Favor of H. W. Prescott of Medford.

H. P. 237. Resolve in Favor of W. A. Burgess of New Sharon.

H. P. 466. Resolve in Favor of John H. McKeen of West Paris.

H. P. 524. Resolve in Favor of Bion Rhoades of Topsfield.

H. P. 1076. Resolve in Favor of Harvey Granville of Kezar Falls.

Reported the same in a Consolidated Resolve (H. P. 1360) (L. D. 902) under a new title, "Resolve Providing for the Payment of Crop Damages Caused by Protected Wild Animals," and that it ought to pass.

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

The Committee on Claims on the following Resolves:

S. P. 35. Resolve in Favor of Charles E. Bartlett of Lisbon Falls.

S. P. 36. Resolve in Favor of Arlington W. Booker, of Bradford.

S. P. 37. Resolve in Favor of Dr. Charles Sumner, of Sullivan.

S. P. 39. Resolve in Favor of Dr. A. W. Plummer of Lisbon Falls.

S. P. 69. Resolve in Favor of Lloyd E. Trask.

S. P. 75. Resolve in Favor of Herbert L. Young, of Lamoine.

S. P. 79. Resolve in Favor of Leslie B. Johnson of North Orland.

S. P. 93. Resolve in Favor of Jacob Diamond of Mattapan, Mass.

S. P. 112. Resolve in Favor of George A. Cline, of Lubec.

S. P. 113. Resolve in Favor of Thomas Robinson of Norridgewock.

S. P. 124. Resolve in Favor of Loudon C. Minor of Portland.

S. P. 125. Resolve in Favor of Leonard Stevens of Standish.

S. P. 126. Resolve in Favor of Jack T. Pledger of Portland.

S. P. 127. Resolve in Favor of Louis C. Lesieur of Saco.

S. P. 128. Resolve in Favor of John W. Spofford of Lewiston.

S. P. 129. Resolve in Favor of Donald A. McLaughlin, of Houlton.

Which report was read and accepted in concurrence and under suspension of the rules, the Resolve was given its two several readings and passed to be engrossed in concurrence.

### Senate Committee Reports

Mr. Sanborn from the Committee on Legal Affairs submitted its Final Report.

Which was read and accepted.

Sent down for concurrence.

### Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Legal Affairs "Ought to Pass in Second New Draft" on bill "An Act Amending the Charter of the City of Lewiston" (S. P. 488) tabled by the Senator from Androscoggin, Senator Boucher on April 6 pending acceptance of the report and on motion by that Senator, the bill was re-tabled until later in today's session.

The President laid before the Senate, Senate Report from the Committee on Legal Affairs, Majority Report "Ought to Pass in Second New Draft A", Minority Report, "Ought to Pass in Original New Draft B" on bill, "An Act Amending the Charter of the City of Lewiston" (L. D. 837) tabled by the Senator from Androscoggin, Senator Boucher on April 6 pending acceptance of either report; and on motion by that Senator the bill was re-tabled until later in today's session.

The President laid before the Senate "Resolve Proposing an Amendment to the Constitution Relating to Adoption of Amendments to the Constitution" (S. P. 357) (L. D. 644) tabled by the Senator from Cumberland, Senator McGlaulin on April 6 pending final passage.

Mr. SANBORN of Cumberland: Mr. President, for the purpose of paving the way for making an explanation to which I think the Senate is entitled, I will move that the resolve be indefinitely postponed. I have found in conversation with other senators in regard to resolves relating to amendments to the Constitution, that there is in the minds of some a bit of confusion. I hope that I may be able to clarify the situation although I have not unlimited confidence in my ability in that direction.

Our Constitution now provides, in effect, that when 2/3 of both branches of the legislature find it necessary or believe it necessary

they may propose, by way of a resolve, an amendment to the constitution. That action takes the form of a resolve. The resolve submits to the people the proposed amendment and gives them the opportunity to vote upon it.

Now, under the statute as it now stands, that vote must be taken at the next biennial election or gubernatorial election. In other words, if we submit to the people any resolve at this session constituting an amendment to the constitution, that lies fallow until a year from next September. When that time comes there is a ballot prepared and the people are given an opportunity to vote on the question whether they will adopt that particular amendment.

We have been going now for 120 years under that system. Up to 1880, of course, we had annual elections and up to that time there could be no question whatever in the mind of anyone, I would suppose, as to the propriety and wisdom of the existing provision. In 1880 the constitution was amended as the result of a rather unpleasant political episode of the year before, so that our election of the Governor and legislature occurred once in two years. So we have been going 60 years and more under the present arrangement.

Now, I would say, if you or I are to form a judgment as to whether this particular resolve ought to be given passage or not, we should let our minds run back over that 60 years and see whether we recall any occasion on which that long delay from the time of the adjournment of the legislature, a delay of usually a year and some months, whether that delay has resulted in any harm to the state; in other words, whether some amendment has been proposed which seemed to be of such consequence that it ought to be adopted immediately, and consequently the delay of a year and a quarter has resulted to the detriment of the state. Personally I do not happen to recall any such instance. That does not make it certain, however, that such an instance may not occur in the future.

Now the resolve before us, if submitted to the people, will give the people the opportunity to vote a year from next September on the

question of amending the constitution so that in future when an amendment is proposed it may be voted on at the next regular or special election. In other words, if this is submitted to the people and the people adopt it, it will mean that hereafter if an amendment is submitted the Governor may call a special election at once and submit it to the people.

Now, there are two sides to that. It is conceivable that there might be a situation where some-one interested was very anxious to get an amendment through and the Governor being in sympathy with it would call an immediate election perhaps with the purpose of depriving the people of an opportunity of maturely considering it. On the other hand it is conceivable that we might be in a situation where everybody would agree that some amendment ought to be passed at once and this proposed change would make that possible. As it is at the present time we have to wait a year and a half or a year and a quarter.

I hope I have made clear what the situation is. I have made a motion that this be indefinitely postponed, in other words that we go along as we have been going on for 60 years, without any apparent disadvantage.

On the other hand, I have no strong feelings about this. If you Senators think it would be wise to have the situation amended so that an election, a special election, could be called when an amendment is proposed, pass this resolve and see what the people will do with it.

Mr. BISHOP of Sagadahoc: Mr. President, I am very humiliated and very much embarrassed to attempt to analyze the statutes after our able Senator from Cumberland, Senator Sanborn has attempted to analyze them for us. I confess that it is difficult for me to understand the statutes in many cases, but in this particular case—and I have tried very diligently to analyze the present statute—I think the Senator from Cumberland, Senator Sanborn has misinterpreted the law as it reads, and I have been to the Attorney General and have contacted several other attorneys and they understand this statute the same as I.



The present statute reads:

"The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution; and, when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations in the manner prescribed by law at the next biennial meetings in the month of September or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, **on the second Monday in September following the passage of said resolve.**"

Now, we always meet on the off year, meaning that any resolve passed during that legislature will necessitate a special election on the second Monday in September following the passage of that resolve. Therefore it requires a special election, according to the reading of the statute, for the people to vote upon that question. And the bill simply changes that to read, "at any regular or special statewide election," eliminating the necessity of the Governor calling a special election.

I may be wrong on this and I wish it would be pointed out to me if I am and I wish that the Senator from Cumberland, Senator Sanborn would read that again and give us his interpretation, if I am wrong.

I do not do this in a spirit of argument or debate, because I am not qualified to do that but this situation has occurred and this bill has been presented simply to clarify the law.

Mr. SANBORN of Cumberland: Mr. President, I think the Senator from Sagadahoc is correct. I probably was in error in saying that it would be a year from next September, but it is a September election and this amendment would make it possible, as I understand it, for the Governor to call an election at any time he saw fit. And in my mind that makes it all the more desirable if this resolve should be indefinitely postponed.

Mr. BISHOP of Sagadahoc: Mr. President, now the Governor must call an election on the second Monday in the next September follow-

ing the passage of the resolve. He has no alternative. This other way will grant the year and several months which will save the expense of the special election and also give people more time to analyze and study the question before them. I think it ought to be clarified.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Sanborn for the indefinite postponement of L. D. 644, Resolve Proposing an Amendment to the Constitution Relating to Amendments to the Constitution. Is the Senate ready for the question?

A viva voce vote being had

The Resolve was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, bill "An Act Relating to Audit and Use of Funds of Maine Forestry District" (H. P. 1070) (L. D. 557) tabled on April 6th by Mr. Emery of Hancock pending assignment for second reading.

Mr. EMERY of Hancock: Mr. President, I have had more or less contacts on this matter since I tabled it yesterday and I gave to the Senate all the information I could possibly give. There is nothing I could add or subtract at this time that would be of any value, or other information. Some members of the Senate approached me after the session yesterday and said they might possibly like to look this over a little more and it might influence their decision as they were not too familiar with it at the start. It is with some reluctance that I say there can be any doubt in the minds of the Senate, but I am going to make the motion and ask consideration of another vote. I am going to, without further comment, move the bill be indefinitely postponed and ask for a division on the vote so that everyone who felt they wanted to vote on this again will have the opportunity.

Mr. WORTHEN of Penobscot: Mr. President, I think in the remarks made by the Senator from Hancock, Senator Emery yesterday, he made the statement to the effect that the industries that were interested in his bill were lukewarm in the matter. In other words, they didn't care particularly wheth-

er it passed or did not pass. I want to say to the members of the Senate that since yesterday I have had contact with some of those firms and they are very definitely and firmly in favor of the bill.

Mr. FARRIS of Kennebec: Mr. President, I want to go on record as against the motion of the Senator from Hancock, Senator Emery, to indefinitely postpone this bill. I understand now this bill is wanted by the timberland interests and I understood him to say yesterday no one wanted this bill but the state auditor. The original bill has been changed so I do not believe the state auditor has anything more to do with the auditing of those funds. I say it is a good bill and I hope the motion to indefinitely postpone will not prevail.

Mr. OWEN of Kennebec: Mr. President, I signed the minority report on this bill "ought not to pass." In the remarks made by the Senator from Hancock, Senator Emery, I understood him to say this pre-audit account would be under the direction of the state auditor. I may have been mistaken; but according to the terms of the bill the state controller shall have charge of that audit, which changes the minds of some persons and also my mind upon the question.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Emery for indefinite postponement of this bill. Senator Emery has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate the second tabled and unassigned matter, Senate Report from the Committee on Welfare, Majority Report "Ought Not to Pass," Minority Report "Ought to Pass," on bill An Act Permitting Certain Aliens who have Applied for Naturalization Papers to be Eligible for Old Age Assistance (S. P. 107) (L. D. 76) tabled on April 6th by Mr. Boucher of Androscoggin.

Mr. BOUCHER of Androscoggin: Mr. President, for the same reason I asked to have this bill tabled yesterday, until the bill regarding the care of neglected children has become law, I would again ask the Senate to table this until the other bill is finally acted upon. I understand it is in the House and should be back here this afternoon. Until we have finally passed on it I would like to have this bill on the table so we can act on it later. I so move.

The motion prevailed, and the bill was retabled pending acceptance of the majority report.

The President laid before the Senate, Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of Indians (S. P. 416) (L. D. 724) tabled on April 6th by Mr. Varney of York pending enactment.

Mr. VARNEY of York: Mr. President, this is a very short resolve. It has been amended since it was originally introduced so that now the committee authorized to study the original treaties and law pertaining to Indian tribes is the Committee on Indian Affairs of this legislature. Now, I have not any objection to any committee studying the Indian tribes and treaties all they want to, but I would like to point out to the Senate that that has already been done.

Early in this session some members of the Research Committee appeared before the Appropriations Committee in support of a measure which would pay to the Indian tribes certain sums of money, and I recollect the question was asked of those members at the time, why we should pay this money back. They told us that there had been a lot of talk about how much the State of Maine owed the Indian. As result of that, the Research Committee during the past two years had gone thoroughly into the subject of Indians and whether or not the State of Maine owed the Indians any money, and though the committee came to the conclusion that probably the shoe was on the other foot, nevertheless they did find in their research a few cases where we apparently had not paid them all we had agreed to according to the treaties and they suggested we now appropriate money for that purpose and lose

the book, and somebody inquired as to what guarantee we had that they would not continue to say we still owed them money, and now I see there comes this resolve proposing that another committee again study the Indians.

I thought perhaps I could save the work of that committee by pointing out to them and to the Senate that the Research Committee made a very thorough study of the Indians and the Indian affairs. They employed a man who did a very excellent job. He put it in book form which contains some 86 pages. It is very exhaustive. I have read it over once quite carefully. Not having very much to do, I wondered if the Senate would like to have me read all there is about the Indians, from this study. Here is the introduction:

**"A. Purpose of Study.**

Since 1820 the State of Maine has acted as guardian for the Penobscot and Passamaquoddy Tribes of Indians, totaling today about 1200 persons. These two Indian Tribes are all that remain within the confines of the State of Maine of that former extensive and powerful confederacy, known as the Eastern Indians.

"During the 122 years of her jurisdiction over these two tribes, the State has built up in her performance of her obligations acquired in the separation of Maine from Massachusetts in 1820, certain policies, practices and customs. The evidence of these policies lie buried in a mass of legislative, executive, and judicial State documentary records, both published and in manuscript form. To compile these in full for a purely historical study is a project more extensive than at present contemplated.

"The aim of the present project is to record general trends and practices through a careful study of basic treaties, legislation, handling of funds, and present responsibilities, in order to furnish a basis for consideration of future policy in regard to Indian affairs.

I am not going to read all of this, but I wanted to read the introduction to show the members of the Senate and also the Senate members of the Committee on Indian Affairs that a very thorough study has been made and a report has

been filed which is very fine and I cannot see how any further study by the Committee on Indian Affairs could add anything to the report we have on file in the Maine State Library.

With those remarks, Mr. President, I move this resolve be indefinitely postponed.

Mr. DOW of Oxford: Mr. President and members of the Senate, I do not rise in support or opposition of the motion of the Senator from York, Senator Varney, but I would like to elaborate a little on that report of the Research Committee. The matter started when the last legislature referred to the Research Committee an Indian bill and in going into the subject matter of that Indian bill we found to carry out the project would necessitate quite a thorough study of Indian affairs. I must admit it was rather interesting and as it went along the Committee got into the welfare and the question of cost and the question of policy. Those matters came up. This also we had brought to our attention that if these questions had been asked of various people as to how much the State of Maine owed the Indians. Some answers ranged all the way from nothing to a million dollars. I think it was the unanimous opinion of the committee that we should solve that, if possible, so that our consciences would say that we had found that the State of Maine does or does not owe the Indians any money. This is referring to cash and nothing else. I think it was the feeling of the committee—it was a unanimous report—that we return to the Indian fund some particular item which for some reason or other had been miscarried to other appropriations. We of the Research Committee can say that so far as we know they have returned to the Indian funds the money that belongs to them.

It was interesting to note, in studying it, the increased cost of taking care of the Indian tribes. It has increased a lot each year. I am talking from memory but I think we raise \$100,000 a year for the Indian tribes.

We made a thorough study, quite exhaustive. We were fortunate to get to work on this, the principal of Edward Little High school of Auburn, who was interested in it.

He went to Pleasant Point and other places and made a study of the question. I think you would be quite surprised and interested to read the report we filed in the State Library. To save expense it was decided the individual members of the committee would deposit their reports in the Library. So, as members of the committee, we have no report of our own, with one possible exception, but I think we have all deposited our reports in the Library for historical and other purposes.

I make this explanation to show we did try to make a thorough study on the subject of the Indians.

Mr. BISHOP of Sagadahoc: Mr. President just once in this session have I heard a speaker say he was not reluctant to make his remarks. I am going to ask you and the members of the Senate to tolerate me for just a few minutes more.

I'd like to say at the outset I do not believe there is a member of this body or this legislature that does not weigh the merits of a bill. Disregarding whose name appears as sponsor of the bill, I still feel every one of you gentlemen evaluate the merits and demerits of every particular bill. Whether or not I am ever able to get a measure through the Maine legislature is of little importance. When this question of Indian affairs is presented, that little trickle of Indian blood flowing in my veins starts to boil. I grant you that a very very good job was done by the Legislative Research Committee in studying the tribal rights of the Indians, and it is true the tribal rights or treaties provided for in payment for the land taken from the Indians, so many barrels of rum, so many barrels of molasses and so many yards of calico, equivalent to something in the neighborhood of \$3,000 of the present market value. I am not certain in regard to the value of the rum. It is also true the Indian tribes are costing the state of Maine \$100,000 annually,—some \$97,000 more than the treaties called for. Therefore, it seems to me very fitting and very much in order to analyze and recheck these expenditures.

Mr. Proctor, Principal of Edward Little, has done a remarkable job. He made a very thorough study and long, but with the exception of one

Indian not one of the three reservations ever laid eyes on Mr. Proctor. He was taken there by the Indian agent and introduced to the sub-agent of the Penobscot reservation, and that is the only contact, personal contact, he made with the Indians.

Now, if we are going to study the Indian question, we must study it with the Indians. This bill is their request. At the public hearing, I presented to the Indians four alternatives. Did they want the right to vote? Did they want their citizenship? Did they want their reservations made into townships and made independent? Or did they wish a committee set up to study with them the Indian problems and questions? Unanimously they were in favor of the latter—a committee to study with them.

The original bill called for two members of the Senate appointed by the President and three members of the House, appointed by the Speaker. At the public hearing a good crowd was present and in executive session later the only member of the Indian Affairs Committee who was also a member of the Legislative Research Committee recommended that the whole committee study the problem. We could see no particular objection to it. We did realize the larger the committee, the less you could accomplish, but coming from a member of the Legislative Research Committee, one who had analyzed the material presented by that committee, it did not seem proper to object to it.

True, the Indians are wards of the state. By our very treatment of them we have made them legalized paupers generation after generation, but there are over 70 Indians who volunteered in the armed forces of the United States and are now serving overseas or in the various battle fronts. They were the first to volunteer and they say they are the best fighters in our forces. They are good citizens if we make them good citizens. A hundred thousand dollars a year to pay three thousand dollar promises! Generation after generation we have little by little degraded the Indian. I believe we could build the Indian up to the point where he should be self-supporting but our present set-up and our present system will make them paupers forever. I believe this committee, although it is a bit un-

wieldy and too large, will attempt to get together with the Indians, get their confidence and eventually make them self-respecting and self-supporting citizens.

I hope the motion to indefinitely postpone does not prevail. I hope you will forget me for just a moment and evaluate this purely on its merits.

Mr. BOUCHER of Androscoggin: Mr. President, I feel it is my duty to speak on this matter because I may be personally involved in some of the points objected to by the Senator from York, Senator Varney. I think he pointed out pretty sharply that the Indian Affairs Committee would be the committee to serve on this. I will frankly admit this amendment put on there was my suggestion. I believe if any such committee is going to function for this state, that the Indian Affairs Committee should do it. There are members of that committee who have been there several sessions and it should be the logical committee to function because they already have studied them and have the background which a newly named committee would not have. I have had the honor and the pleasure to serve on both the Legislative Research and the Indian Affairs committee, so I am very thoroughly mixed into this. I am also responsible with the Research Committee, taking the recommendation that there were these Indians and no one was paying attention to them and it was because of my request that the committee decided to go into the Indian question. I agree and acknowledge that Mr. Proctor did a wonderful job as far as he went. He admits in his report that he has not solved the problem. He has found facts and he states them. I am glad one thing was cleared up—we do not owe the Indians a hundred million dollars, which some state officials seemed to think that was so and that if we went into the thing, we would be sorry. The Research Committee had courage enough to go in, and I think our report shows we do not owe a hundred million dollars. We do owe a few thousand dollars.

I have not the honor of having a strain of Indian blood in my veins but Indian affairs have been imposed upon me by speakers of the House and by presidents of the Senate so that for five terms I have

been on the Indian Affairs Committee. So I am Indian conscious and I believe something should be done and can be done by the state of Maine for the Indians.

I do not know as members of the legislature realize that we, the State of Maine, are raising a tribe of white Indians. I dare say, and I think it will be proved, that you have not in the state of Maine 25% of so-called Indians who are pure blood Indians. In place of paying 120 years ago a thousand or two dollars' in gifts and merchandise, this state is paying \$100,000 a year. As Senator Dow has said, it has been increasing the last few years and will keep on increasing if the state does not take some step to stop it.

I believe some committee, as is proposed here, can and should bring back to the Ninety-second Legislature steps to stop the increase of expense to this state for our Indian wards. I agree with the Senator from Sagadahoc, Senator Bishop, that this state should do something to improve the Indians and they are certainly not doing it now. We are just handing out to them almost everything they want and certainly not inducing them to go out and earn a living for themselves. I believe it is feasible and I believe the problem can be worked out where the Indians in a generation or two will become citizens of this state and will not live on reservations and be taken apart from the state. They are human beings and have human rights, and I think that the state should protect them and take care of them; and educate them—everyone thinks of them as children—and bring them up into manhood and womanhood, and this state will have done the right thing by the Indians.

Mr. WASHBURN of Washington: Mr. President, as the other Senate member of this committee, I might add a word and say in our discussion of this matter, the Committee on Indian Affairs was practically united on the proposition that some further study ought to be made, particularly along the line of attempting to discover when and how the Indians in the state might be elevated to citizenship and the State relieved of the responsibility for their care and maintenance.

As to how that study might be made and how the committee should be constituted, we were not quite as fully in accord, and while some of us did not think it best to submit any minority report, yet I will say that personally a few of us thought that this committee was too big that it was unwieldy and unduly expensive. I think we ought to recognize if this study is to be made at all, it is a serious matter, regarding the future standing of 1200 human beings and their relationship to the state of Maine. I know one member of this Indian Affairs Committee who could not possibly devote a day or an hour to this work in this year or probably next year.

I shall vote to sustain the motion of the Senator from York, Senator Varney but I thought this word of explanation might be helpful.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Varney, for indefinite postponement of this resolve, Legislative Document 724.

A viva voce vote being had, the motion prevailed and the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. WORTHEN of Penobscot: Mr. President, I would like to inquire if House Paper 1363, Joint Order Relative to Research Committee Studying Tax System, etc. is in the hands of the Senate?

The PRESIDENT: The Chair will state that it is in the possession of the Senate.

Thereupon, on motion by Mr. Worthen of Penobscot, the Senate voted to reconsider its action of yesterday whereby this Joint Order was passed in concurrence.

Mr. WORTHEN of Penobscot: Mr. President, I question the advisability of passing this Joint Order at this time to create a recess committee to study the tax system. I just wonder if the tax payers of the state aren't having trouble enough at this time during these unsettled times without having their tax structure tampered with.

If we pass this bill it will necessitate the expenditure of several thousand dollars, it will require a lot of time and will require probably the services of tax experts in order to do a good thorough job.

My understanding is that in the past we have had three or four research committees to investigate our tax system and I think that on every occasion the legislature has failed to go along with the committee's findings. I do think, however, and I think we will probably all agree, that at some time our tax structure should be looked into and revised and improved but during these unsettled times and because of the fact that it is going to take a lot of time and money I question the advisability of it. Therefore I move to indefinitely postpone the order.

A viva voce vote being had

The order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair will announce at this time the Senate conferees for the Committee of Conference on Legislative Document 598 bill An Act Authorizing the Creation of Housing Authorities in Several Cities and Towns: Senators Varney of York, Brown of Aroostook McGlaulin of Cumberland.

The PRESIDENT: As conferees for the Committee of Conference on Legislative Document 886, An Act Relating to Institutional Farms, the Chair will appoint Senators Washburn of Washington, Dow of Oxford, Varney of York.

On motion by Mr. Elliot of Knox  
Recessed until this afternoon at four 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 for the Better Protection of Livestock and Poultry." (H. P. 1349) (L. D. 887)

(In the Senate, on April 6th, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and now asks for a Committee of Conference, the Speaker

having appointed as members of such a Committee on the part of the House:

Representatives:

Libby of Caribou  
Pearson of North Kenne-  
bunkport  
McFadden of Pembroke

In the Senate, on motion by Mr. Brown of Aroostook, the Senate voted to adhere to its former action.

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons," (S. P. 485) (L. D. 898)

(In the Senate, on April 5th, passed to be engrossed)

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

In the Senate, that Body voted to recede from its former action whereby the resolve was passed to be engrossed. House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act to Provide for Post War Planning." (S. P. 178) (L. D. 242)

(In the Senate, on April 6th, Enactment was reconsidered, and the bill indefinitely postponed, in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

Hutchins of Bangor  
Barnes of Houlton  
Sayward of Kennebec

In the Senate:

Mr. VARNEY of York: Mr. President, I am going to move that the Senate recede from its action whereby it indefinitely postponed the bill, and if the Senate votes to recede from its action whereby it indefinitely postponed the bill, I have prepared an amendment which I would offer and the effect of which is to take from the Governor and Council any and all authority so far as having any control over the expenditure of the million dol-

lars is concerned and place that back squarely in the hands of the legislature.

I was very much impressed yesterday afternoon by the argument of the Senator from Cumberland, Senator Hildreth to the effect that this bill as drawn amounted to giving a blank check to the administrative officers. I thought that the Senator in his remarks was also in favor of post war planning and I find from subsequent conversation with him that that is so. I believe that the State of Maine is now in the position of an individual who because of increased business caused by the war, finds himself with a million dollar profit. He does not prepare at the present time to expand his business. He hasn't any indebtedness which he wants to retire with this million dollar profit, and therefore he says, "I am going to put that million dollars aside and begin to make plans to set my son up in business when he returns from the war."

Now that is exactly what we here in Maine are proposing to do by this post war planning bill so-called. I think the Senator from Cumberland yesterday made the suggestion that perhaps we could well spend this million dollars to pay off some bonded indebtedness. However, I pointed out to him, and I will point out to the Senate now, that this million dollar indebtedness which we might pay off, is a highway indebtedness. We issued a million dollars worth of bonds for the purpose of constructing highways and we said to the people, "We will take your gasoline tax money, and your registration fees money and use it on highways alone." Now in order that we may build these highways now and thereby permit you to use them while they are being paid for, we issued the bonds and so I say we should not now take this million dollars, which is general funds money and use it to pay off the highway bond indebtedness.

One other Senator said to me, "Why do you want to earmark this million dollars? Why not just set up \$50,000 and let the Maine Development Commission work on post war plans and then when the next legislature meets or after the war, when we come here for a special session, let the next legislature appropriate such part of that million dollars for post war work as it sees fit?" And I say this is exactly what I want to do, and exactly what we

will do under this amendment, only if you do not earmark that million dollars now, I am afraid you may not find it there when you come back to the special session because if you do not earmark it now, it stays in what we used to call the Sinking Fund Reserve and I believe we have now re-named the Unappropriated Balance, and the Governor and Council can and do make allocations from that sinking fund reserve. So, if you don't earmark it as this bill would do, there would be nothing to prevent the Governor and Council from spending it for such legitimate purposes as they see fit.

Yesterday I was not in a position to make these remarks on the floor of the Senate, and today I have the same advantage over the Senator from Cumberland, Senator Hildreth, so I think I should say to the members of the Senate that I have discussed my amendment with him and he is in accord with the post war planning and while he has not seen my actual amendment, I think I can say he is in accord with the purpose it seeks to accomplish and I would add that if he cares to reply, I would be pleased to swap places with him again.

Now as for the wording of the amendment. If you will turn to the original bill which is Legislative Document 242, the first reference in the bill to the Governor and Council is in Section 2 and my amendment amends Section 2 by striking out the last twenty words of that section. That is, it strikes out the words "Governor and Council or its activities under this section as occasion demands or as the governor and council may request" and inserts in place thereof "next special or regular session of the legislature on its activities under this section." So that after the section is amended it will read "The Maine Development Commission, in addition to its duties and powers as already provided by law is hereby further authorized and directed to cooperate with agencies, the municipalities of this state, or private agencies within this state in developing and coordinating long range plans for post war activities, and shall report to the next special or regular session of the legislature on its activities under this section."

Sections 3 and 4 I do not amend at all. Sections 5 and 6 I have

eliminated entirely and placed in the place of Section 5 a new section 5 which reads as follows: "Sec. 5. Approval of Projects. Except for the \$50,000 to be used for the cost of planning as specified in section 4, no expenditures shall be made from this fund until the project or projects have been approved by legislative resolve."

Mr. President, I now move that the Senate recede from its action whereby it indefinitely postponed this bill, and if the motion prevails, I will move that the Senate recede from its action whereby it passed the bill to be engrossed, and will then offer this amendment which I have just read.

The PRESIDENT: Before the Chair puts the motion, the Chair would like to make its position clear. The Senator from York, Senator Varney came to my office just before the session opened and I think I made it clear to him and I want to make it clear to every member of the Senate that I spoke reluctantly yesterday because I thought certain things should be said. The Chair is through with the issue so far as the Chair is concerned, and will take no further part in it one way or another. He made his statements in what he believed to be a clear fashion yesterday. He entirely withdraws from the issue and hopes to remain withdrawn.

The question before the Senate is on the motion of the Senator from York, Senator Varney that the Senate recede from its action whereby it indefinitely postponed this bill. Is the Senate ready for the question?

Mr. HANOLD of Cumberland: Mr. President, for the purpose of the record only, I want to say that naturally I believe that the first bill which was drawn was good, and naturally I would be most happy to go along with the Senator from York, Senator Varney in the procedure which he has outlined to us.

Mr. BROWN of Aroostook: Mr. President, I did not expect yesterday, I am frank to say, that this bill would be indefinitely postponed. I had an amendment also drawn which, in case the first one failed, the second one might be adopted and I would have offered the sec-



ond amendment which did practically what the amendment offered by Senator Varney would do. However, after the vote was taken yesterday, I believe there are a lot of the members of this Senate who do not believe in tying up a million dollars at this time. I believe it should be for future legislators to spend as they see fit. That is a matter of opinion. As the Senator has said, if we leave it there the Governor and Council may spend it between now and two years from now. I don't know, it may be true that they are in the habit of spending money which is not authorized and which is not allocated by legislature. If it is true, we need no post war planning bill whatever because they can spend it any time they see fit.

If the motion does not prevail I shall then make the motion to insist on our former action and meet with the Committee of Conference, and I am going to say that if that committee does meet, I think we will agree to retain a part, at least, of the money for post war planning but cut out the setting aside of any million dollars at this time. So with that in view, if the motion of the Senator from York, Senator Varney does not prevail I shall move to insist and have a committee of conference appointed.

Mr. McGLAUFILIN of Cumberland: Mr. President, as one of the men who favors the bill and spoke on it yesterday, I would like to see this million dollars tied up and I am in full accord with the suggested amendment offered by the Senator from York, Senator Varney.

Mr. VARNEY of York: Mr. President, I want to straighten out two apparent misunderstandings on the part of the Senator from Aroostook, Senator Brown. My amendment does not in any way tie up this million dollars so that a future legislature or a special session of this legislature cannot do anything they want to with it. It simply sets it aside and ties it up until we have another session of the legislature.

In other words, under my amendment, the Maine Development Commission can spend up to \$50,000 in developing plans and they must come to the next special or regular session, which ever comes first, of

the legislature and report to it what they think a part of this million dollars might be spent for and my amendment expressly says that no expenditure shall be made from this fund until the project or projects have been approved by legislative resolve.

In other words, we are simply tying up the funds so that we can be sure they will be there when we meet in special or regular session after the war and when we do meet then if we want to spend it for paying off bond issues or for the support of paupers or anything else it will be there and we will have it to spend.

Now the other apparent misunderstanding was that the Senator from Aroostook, Senator Brown didn't know that the Governor and Council could spend money out of this unappropriated balance as we call it now. I can say to him that they do it and they do it legally. I am not quite sure of the mechanics of the thing but as I understand it \$300,000 of the unappropriated balance is in a fund, I will call it—I don't know what the exact name is—and the Governor and Council are entitled to take money from that fund for any previously established state function and they do it continually, and when they take out \$50,000 then another \$50,000 comes in and builds it up to \$300,000 again.

Here are one or two examples that I think of now. They hired a building down here. I think the money came out of the Sinking Fund Reserve to pay for that although I am not positive. I am of the impression that the police barracks over across the river are built out of this fund and paid for out of this fund by action of the Governor and Council without any legislative action.

I don't hesitate to say that many times money has been taken out of the Sinking Fund Reserve by the Governor and Council for legitimate purposes under our system of government. I do not say that it was illegal to do so, on the contrary it is perfectly proper that they should, and we have no control over what they used it for as long as they use it for a state function.

For instance, if they want to build a coal pocket over at the state

hospital and there isn't money enough in the appropriation, as I understand it, the Governor and Council have authority to take from this \$300,000 Revolving Fund—if you want to call it that—sufficient money to build a coal pocket. Therefore I say it is important that we earmark this million dollars so it will be here for the next legislature to spend.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from York, Senator Varney that the Senate recede from its action whereby L. D. 242 was indefinitely postponed. Is this the pleasure of the Senate?

The motion to recede prevailed.

On further motion by the same Senator, the Senate voted to recede from its action whereby the bill was passed to be engrossed.

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

"Senate Amendment A to S. P. 178, L. D. 242, Bill An Act to Provide for Post War Planning.

"Amend said Bill by striking out the last 20 words of section 2 thereof and inserting in place thereof the following:

'next special or regular session of the legislature of its activities under this section.'

"Further amend said Bill by striking out sections 5 and 6 thereof and substituting in place thereof the following:

'**Sec. 5. Approval of projects.** Except for the \$50,000 to be used for the cost of planning as specified in section 4, no expenditures shall be made from this fund until the project or projects have been approved by legislative resolve.'

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

#### House Committee Reports

The Committee on Temperance on Bill "An Act Relating to the Manufacture and Sale of Cider," (H. P. 1169) (L. D. 624) reported the same in a new draft, (H. P. 1354) (L. D. 895) under a new title, Bill "An Act Relating to the Manufacture and Sale of Cider," 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.

The Committee on Interior Waters on Bill "An Act Relating to Storage in Millinocket Lake," (H. P. 1199) (L. D. 690) reported the same in a new draft, (H. P. 1343) (L. D. 889) under the same title, and that it ought to pass.

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

In the Senate, the report was accepted in concurrence and the bill was given its first reading. House Amendment B was 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.

#### Senate Committee Reports

(Out of order and under suspension of the rules)

Mr. Friend from the Committee on Labor submitted its Final Report.

Mr. Friend from the Committee on Pensions submitted its Final Report.

Mr. Woodbury from the Committee on State Sanatoriums submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

#### From the House out of order and under suspension of the rules

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relative to Licensing Dealers in Livestock," (H. P. 1347) (L. D. 382) reported that the committee is unable to agree.

Which report was read and accepted in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of Adjutant General," (H. P. 1158) (L. D. 613) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence, and the bill read once. Committee Amendment

"A" was read and adopted in concurrence, and under suspension of the rules, the bill as amended was read a second time and passed to be engrossed in concurrence.

The Committee on Public Health on Bill "An Act Relating to Slaughterhouses," (H. P. 1221) (L. D. 708) reported the same in a new draft (H. P. 1353) (L. D. 708) under the same title and that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendments "A", "C", and "E".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendments A, C, and E were severally read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and was passed to be engrossed in concurrence.

The Committee on Claims on the following Resolves:

S. P. 38. Resolve to Reimburse Dr. Lester H. Nesbitt of Bucksport for Medical Services.

S. P. 114. Resolve to Reimburse the Town of South Berwick for Support of Joseph Rollins.

S. P. 139. Resolve in Favor of the Town of Gilead.

S. P. 186. Resolve in favor of the town of Wilton.

S. P. 350. Resolve in Favor of the Central Maine General Hospital of Lewiston.

S. P. 388. Resolve in favor of Orphelinat St. Joseph et Hospice Marcotte, of Lewiston.

S. P. 389. Resolve in Favor of Orphelinat St. Joseph et Hospice Marcotte, of Lewiston.

H. P. 43. Resolve in Favor of Clyde Mahoney of Norridgewock.

H. P. 44. Resolve in Favor of the Town of Winterport in the case of Charles E. Reynolds.

H. P. 45. Resolve to Reimburse the Town of Lincoln for Support of John S. McNamara and Family.

H. P. 64. Resolve to Reimburse the Town of Lincolnville for Support of Charles I. Oxtom.

H. P. 71. Resolve to Reimburse the Town of Hampden for Support of Barbara Arey.

H. P. 72. Resolve to Reimburse the Town of Hampden for Support and Care of Merton Haskell.

H. P. 77. Resolve Reimbursing the Town of Trescott for Burial Expenses for George Moan.

H. P. 85. Resolve to Reimburse the Town of Millinocket for Support of Carl King and Family.

H. P. 127. Resolve to Reimburse the Town of Montville for Support of William T. Carter and Family.

H. P. 131. Resolve to Reimburse the Town of Prospect for Support of John A. and Ada M. Burke.

H. P. 216. Resolve to Reimburse the Town of Bar Harbor for Support of Abbie Allard.

H. P. 217. Resolve to Reimburse the Town of Bar Harbor for Support of Campbell E. Hillgrove and Family.

H. P. 218. Resolve to Reimburse the Town of Bar Harbor for Support of Lawrence A. Pinkham.

H. P. 273. Resolve in Favor of the Town of Portage.

H. P. 275. Resolve in Favor of the Town of Mattawamkeag.

H. P. 280. Resolve to Reimburse the Town of Bar Harbor for Support of Vernon G. Smith.

H. P. 281. Resolve to Reimburse the Town of Bar Harbor for Support of Lawrence B. Willey.

H. P. 393. Resolve in Favor of the Town of Etna.

H. P. 394. Resolve in Favor of Cecil N. Godfrey of Old Town.

H. P. 396. Resolve to Reimburse the City of Bath for Supplies Furnished Emile Anderson and Family.

H. P. 397. Resolve to Reimburse the City of Biddeford for Support of Fernand (Ferrand) Lamirande.

H. P. 398. Resolve to Reimburse the City of Biddeford for Support of Children of Wilfrid Cartier.

H. P. 400. Resolve to Reimburse the City of Bangor for Supplies furnished Various Individuals According to Statements Hereto Attached.

H. P. 402. Resolve to Reimburse the Town of Bar Harbor for Support of Leman Hillgrove.

H. P. 403. Resolve to Reimburse the Town of Bar Harbor for Support of Waldo Burns.

H. P. 477. Resolve in Favor of the Town of Mars Hill.

H. P. 773. Resolve in Favor of Mrs. Leslie Wakefield of Ashland.

H. P. 774. Resolve to Reimburse the Town of Brunswick for Care of Richard Haynes.

H. P. 777. Resolve in Favor of the Eastern Maine General Hospital of Bangor.

H. P. 778. Resolve in Favor of Mack Thibodeau of Fort Kent.

H. P. 781. Resolve to Reimburse the City of Portland for Support and Care of Winfield and Ernest G. Clark.

H. P. 902. Resolve in Favor of the Town of Veazie.

H. P. 919. Resolve to Reimburse the Town of Meddybemps for the Care and Support of Dorothy A. McIlroy and Minor Children.

H. P. 1090. Resolve in Favor of the Town of Sanford for the Support of Certain Public Dependents.

H. P. 1091. Resolve to Reimburse the Town of Swan's Island for Supplies Furnished to a State Pauper.

H. P. 1093. Resolve Reimbursing the Town of Monticello for Care and Support of State Paupers.

Reported the same in a Consolidated Resolve (H. P. 1365) (L. D. 909) under a new title, "Resolve Providing for the Payment of Certain Pauper Claims," and that it ought to pass.

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

The Committee on Education on the following Resolves:

S. P. 156 Resolve in Favor of Berwick Academy.

S. P. 209 Resolve in Favor of Coburn Classical Institute.

S. P. 157 Resolve in Favor of Greeley Institute, in the Town of Cumberland.

S. P. 317 Resolve in Favor of Parsonsfield Seminary.

S. P. 158 Resolve in Favor of Pennell Institute, in the Town of Gray.

H. P. 538 Resolve in Favor of Corinna Union Academy.

H. P. 239 Resolve in Favor of East Corinth Academy.

H. P. 783 Resolve in Favor of Erskine Academy.

H. P. 934, L. D. 486 Resolve in Favor of Freedom Academy.

H. P. 537 Resolve in Favor of Leavitt Institute.

H. P. 310 Resolve in Favor of Lebanon Academy.

H. P. 627 Resolve in Favor of Limington Academy.

H. P. 933, L. D. 544 Resolve in Favor of Lincoln Academy.

H. P. 451 Resolve in Favor of Litchfield Academy.

H. P. 450 Resolve in Favor of Monmouth Academy.

H. P. 32 Resolve in Favor of Monson Academy.

Reported the same in a Consolidated Resolve (H. P. 1364) (L. D. 908) under a new title, "Resolve in Favor of Several Academies, Institutes and Seminaries," and that it ought to pass.

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

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs, Majority Report "Ought to Pass in Second New Draft 'A,'" Minority Report "Ought to Pass in Original New Draft 'B'" on bill "An Act Amending Charter of the City of Lewiston" (New Draft 'B') (L. D. 837) tabled by that Senator on April 6th pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President, I now move we substitute the original bill, Legislative Document 238 for the several drafts that have been submitted by the Legal Affairs Committee. In sustaining that motion, Mr. President, I would like to make this further statement. This original draft, although presented by me, was not drafted by me. The proposed amendments to the charter of the city of Lewiston were made by a committee that came into existence four years ago when the city of Lewiston decided that they desired a new charter. The then mayor, at the request of the Vigilants' Association, which is a non-partisan organization of young business men in Lewiston—they asked the mayor and council at that time that the city charter be revised. That said

charter was about 75 years old and certainly needed revision. The committee was then named by the then mayor and was composed of nine citizens of Lewiston. They were taken from both the Republican and Democratic parties and there were some members who were unenrolled. They were taken regardless of sectarian desires. There were all kinds of religions represented on the committee as well as all kinds of racial descent. That committee did prepare and asked me to submit to the Eighty-ninth legislature a document which was passed here with a referendum and sent back to the citizens of Lewiston and was passed there and became a law of the city of Lewiston.

Last year the question was brought up of revision. Things had been found in the charter which did not function properly so that the former charter committee was revived. Two of the members had left the city so the mayor of that year named two new members to that committee. That committee started to function, if my recollection is right, last October. The latter part of January they again asked me to present the result of their work, and that brought us, Mr. President, to Document No. 238.

I have a lot of respect for the Committee on Legal Affairs and I think they have tried to do their best. Under the pressure of business and having to attend to hundreds of bills, I do not believe they can do a better job than the charter committee of the city of Lewiston have prepared. Two of the members of the committee were lawyers. One was a Republican of high standing, the Honorable William B. Skelton, ex-Mayor of Lewiston; another ex-Mayor, Hon. Fernand Despins, a Democrat; Louis Philip Gagne of Le Messenger; Rosario Dubois, a business man in Lewiston; Roland Faucher; Dr. E. N. Giguere, a physician of good standing; Fred Hall, manager of Hall & Knight, hardware company in Lewiston; Frank Hoy, who is business manager of the Lewiston Sun-Journal; and finally the ninth member was Linwood S. Durgin, an insurance agent in the city of Lewiston. That committee studied this question seriously. That committee asked through the press and

through letters to individuals and letters to members of this legislature, for opinions concerning revision of the charter. They studied them very carefully and they agreed at their first meeting that they would not put in amendments unless they unanimously agreed on them. Everything included in this document has been unanimously agreed to by the nine members of the committee.

Again I submit, Mr. President and members of the Senate, this committee had more time to study this question and know more about the business interests of the city of Lewiston than any committee of this legislature. I think this document is well prepared. I do not favor the whole of this document but on the basis that these nine men, disinterested as they were, have agreed on this document, I am willing to go along with it and that is the reason I am offering the original document against the new draft.

First, a divided draft came in. This document was submitted February 2nd of this year. On March 24th we heard from the Legal Affairs Committee, submitting two new drafts, a majority draft and a minority draft. If you remember, they were tabled by me, and at the request of the committee, they were committed again. At this late hour they have come out with a further draft dated April 6th. I have gone carefully over these, Mr. President, and again I say I prefer the original draft and for that reason, I have made the motion to substitute the original draft for these several new drafts.

Mr. SANBORN of Cumberland: Mr. President, I think it is due the Senate that some explanation should be made for the different moves that have taken place in connection with the working out of this bill. I will say at the outset it has been to the committee as a whole, I think, and certainly to myself a most perplexing matter. As Senator Boucher has just said, the charter of Lewiston was completely revised through the activities of the committee the Senator has just told you about. They brought over four years ago a revision of the charter which was adopted by this legislature and enacted into law. In four years time they had found certain in-

consistencies, certain things after working on it that all hands seemed to think needed some improvement. As Senator Boucher has said, practically this same committee—non-partisan, representing all interests—came over with a bill suggesting numerous amendments to the charter.

I suppose the Legal Affairs Committee would have treated the situation a bit differently had it not been true that the bill before us was represented to us as having been very carefully prepared by a competent committee and that it represented the mature consideration of that committee. In other words, the Legal Affairs Committee did not scrutinize it section by section, thinking perhaps they might safely assume that the committee which prepared it had worked the matter out with a degree of exactness.

On one condition, one provision in the bill, there was a difference of opinion among the members of the committee. The majority of the committee felt that the legislature should continue to have the authority to fix the salaries of the police officers. Such was the case in the original charter, or the charter of four years ago, but the bill which was presented to us contained a section, section 7, which provided that the salaries or compensations of the police officers should be fixed by the police commission. It is true this did open up something of the Lewiston imbroglio that had been going on for a good many years and the committee may have been wise or unwise, but it was the ultimate conclusion of the majority of the committee that this section better be eliminated, leaving the legislature still in the saddle as far as fixing the salaries was concerned.

The majority of the committee, and without any thought of any aspersions against any members of the committee, I think perhaps it is proper to say the committee did divide on party politics lines. The majority of the committee reported out a new draft, substantially like the original bill, differing from it in cutting out section 7, so that the legislature could have control of the salaries. The minority—two members—reported a new draft retaining that provision, or including

a provision that the police commission should have control of the salaries. That was the original reporting out of the committee.

Now, while it was on the table interested parties in Lewiston including the Police Commission, the chief of police and members of the committee which had prepared the original document, went through the bill—to use an expression of the street—with a fine tooth comb. They came back and pointed out a number of inconsistencies in the bill. You may say, why didn't the Legal Affairs Committee find these inconsistencies? Probably they should have, but didn't. We rather assumed the care with which the bill had been prepared could be relied upon and we could leave it as representing their ultimate wish. The inconsistencies—I do not recall all but I will mention one as an example, it provided the vacations of the police officers that is, the fixing of the time of their vacations should be at the pleasure of the chief of police. Another section provided those vacations should be dictated by the police commission. Of course you would not want to enact anything like that. Those were things brought to our attention by members of the committee, the charter committee and the chief of police and those in the best position to know, and they said, "Of course it ought not to go out in this form. Can't it be recommitted?" Because of these inconsistencies it was recommitted to the Legal Affairs Committee and a second re-draft was prepared which eliminated the inconsistencies but insofar as the majority was concerned, it eliminated the provision authorizing the police commission to fix salaries, and while I may be in error—as I say there have been cross currents and complications enough to confuse I do not know who—I may be wrong but it is my recollection and belief that the police commission, themselves, would be glad to be relieved of the responsibility of fixing salaries. So the second new draft eliminates, as I say, the inconsistencies, and represents what I would call the completed work of the Lewiston charter committee and the police department and is before you as the second draft.

While you do have at the same time the minority report which, if adopted, would take from the legislature the power of being in control of those salaries and putting it in the police commission.

I do not know whether I have made myself clear or not. It is not any too clear in my own mind. One is in an uncomfortable position when he is asked to go to a city in which he does not live where he doesn't know the undercurrents and attempt to prescribe legislation for them. All I can say—we have done the best we could. As I pointed out, if the motion of the Senator from Androscoggin, Senator Boucher prevails and that original bill were to go along, you would have one they all say would be unworkable. With those remarks I will leave the matter to the action of the Senate.

Mr. PETERS of Androscoggin: Mr. President, I don't want to say too much on this question. We have gone over it many many times. As the distinguished Senator from Cumberland, Senator Sanborn just told you, the new redraft includes every recommendation made by the charter committee of Lewiston with the exception of one and that is the setting of the police department salaries by the Lewiston police commission, recommended by the Lewiston police commission and approved by the board of finance in Lewiston. That is the only change that your committee on Legal Affairs has affected in its new redraft. As Senator Sanborn pointed out, we have eliminated several inconsistencies that were brought to our attention after the first draft came out of committee. Wanting, of course, to regulate those revisions so that they would be workable we asked the Senator from Androscoggin, Senator Boucher, if he would not be kind enough at that time to take them off the table and recommit them, and he graciously did just that.

I might add just a few more words. It is an old sore spot in Lewiston — the Police Department again. A statement was made by a man high up in police circles in Lewiston in our committee. It went unchallenged. In substance it amounted to just this, that a certain member of the aldermen's board in the city of Lewiston had approached at least one member of

the police department and he thought in two instances this has happened and berated this policeman for opposing different changes in the police set-up in Lewiston on the ground that not very long ago the board of aldermen were responsible for the police getting a \$100 clothing allowance. This very man was very fearful that if they had the say on the salaries in toto, of what might happen to their efficient police department in Lewiston. I believe it went a long way in helping the Committee on Legal Affairs in determining that section should not be struck out.

Again I repeat, members of the Senate, the recommendation of the charter committee of Lewiston are carried out in toto in this redraft with the exception of section 7 which puts the setting of the police pay back to Lewiston and away from the legislature. Now the police and certain members of the commission who would get this duty if passed in toto, say they would not want this set-up and would prefer it be left alone regarding the police and legislative set-up as they have been doing for the past 26 years. Consequently, in order to be fair to the boys in uniform in Lewiston, I presented a bill which would increase their wages twenty percent and that increase I believe will only hold until March 31, 1945—I believe that is the date—or approximately two years.

That is the story in substance. I certainly hope the motion of my colleague, Senator Boucher, will not prevail.

Mr. BOUCHER: Mr. President and members of the Senate, I did not care to go back into the discussion of a few days ago regarding the situation in Lewiston, or Lewiston rights, but apparently the Senators who have spoken before me do want to go back into it. Senator Sanborn has stated that it was the wishes of the commissioners and members of the charter committee that they had followed. Mr. President, if my recollection is right, and I think it is right, no police commissioner appeared at the hearing and there were two hearings on this bill and none appeared. I personally know three. I was at the hearing and no one of those three appeared at the hearing. I want to say one police commissioner told me personally, and he is a Republi-

can, by the way, he does favor the bill, Legislative Document 238 in its original form.

They have spoken of members of the charter committee appearing. Now, I saw only one at the committee hearing and that member spoke in favor of the bill and that is the Honorable Fernand Despins, ex-mayor of Lewiston. He spoke in favor as he was chairman of the charter committee which drafted this document. I do not believe any of those other members ever appeared at the hearing.

Do I understand, Mr. President, that the committee holds hearings so that these things can be heard and then gives private sessions behind closed doors to other individuals? Is that the way this legislature is proceeding? If it is, I do not believe it is right. Do I understand these men are accusing members of the charter committee of changing their minds and after stating they are unanimously in favor of this document and then coming back here and telling members privately that they are not in favor of it? I believe the members of the Charter Committee are more honorable than that. I believe if they endorse anything they mean what they say. I know they have unanimously endorsed this document.

I also believe, Mr. President and members of the Senate, what the committee means is that the chief of police has been here—he was at the hearing, opposed to this document. He has been here several times. I have seen him and have seen him talking with members of the committee. If that is what they mean, I agree with them. Are the wishes of the chief of police going to control the destiny of Lewiston? Is he the big man of Lewiston, bigger than the members of the charter committee or the municipal government or all the other boards that govern Lewiston? I have a lot of respect for the chief of police but I do not believe there is anything in the charter to give him any such powers.

The honorable Senator from Cumberland, Senator Sanborn, has also stated there was a difference of opinion in the committee. I want to clarify that. I believe and I think he meant in his Committee on Legal Affairs because I understand and have been told and have

seen in print that the Charter Committee of Lewiston unanimously endorsed this document. There was no division there. There was a division on one matter which is not included in this bill and that was the question I fought out a few days ago on home rule. On that question they voted six in favor of bringing back to Lewiston what belongs to Lewiston—appointing their own police commission—and three against it. But on this bill they were unanimous.

Again I repeat what I stated a few days ago. Lewiston pays the bills of the police. The police are their employees. Why should Lewiston have to be dictated to by anybody else, be it the legislature or anyone as to how much they should pay their police officials and officers. I ask you gentlemen of the Senate, can you state one other city or town in the state that has such a set-up? Lewiston is the only city that has to come to Augusta to get permission to raise the pay of their policemen or police employees and I say that situation is all wrong. And I agree with this Charter Committee in saying it was wrong, because they put the provision into the bill whereby this matter be brought back to Lewiston and settled by the police commissioners who are men who know whether their employees should be paid more or less and then finally approved by the finance board which is non-partisan, composed of members of both parties. That finance board for four years has done a wonderful job and has agreed on everything they have gone through with.

My good friend, Senator Peters has told you only one thing has been touched in this document. I have gone through this, as some one stated, with a fine tooth comb. I find on page 3 they took out section 7 entirely. That is the section concerning the pay of the police. They agree they did that. I also find they took out section 12 and section 10 on that same page. I also find they have taken out of page 4 sections 14, 11, 12, 15, 13, 14 and 19. I also find they have gone further. On page 5 they have taken out "who hereafter reaches the age of 60 years and who" which changes that statement broadly. I find on page 6 of this document they have taken out two sections concerning the chief of police, one



section 26, concerning employment after reaching the retirement age and one section, 27, concerning employment while on pension.

Now, it is clear that those same sections are in for the fire department. They have not touched them for the fire department. Why? Because it is controlled by the city of Lewiston; and gentlemen, let me tell you we have as good or the best fire department in the state of Maine and I defy my good friend, Senator Peters, to deny it. The same provisions are there for the fire department. It is the same thing, identically, but oh no, they would not touch that. The chief of police came here and said they should not leave it in for the police department because the police department does not belong to Lewiston. It belongs to Augusta, but Lewiston has to pay the bills.

Senator Peters has talked to you about the clothing allowance. That is true. I am sorry to admit it is true. Let me tell you, if I had been mayor of Lewiston it would not have been done. It was done illegally and if it occurs this year I will see it is not put through. Lewiston had no right to give a \$100 clothing allowance. Why was it done? Because they could not come here to Augusta and get a raise in pay. So in order to please, the mayor and board of aldermen allowed them \$100 clothing allowance.

He (Senator Peters) has told how one alderman threatened the police department. Let me tell you gentlemen that no alderman dares threaten the police department because they are scared of the police department because the police department of Lewiston is all mighty. Lewiston has no control of it. It depends only on the legislature so that they are not afraid of aldermen.

Let me call to your attention that under this bill, the aldermen would have nothing to do with the setting of the policemen's pay. My good friend Senator Peters, made quite an error there. The bill says the pay of these employees of the police shall be set by the police commissioners and approved by the finance board so that the mayor and board of aldermen would have nothing to do with their pay.

The have also told you—and I think it was Senator Peters—that the police department of Lewiston does not care for the responsibility

of fixing salaries. Well, I do not know whether they care or not. But I do submit and say it is none of their business. Under this bill it says the commissioners—not the police department—the commissioners shall fix their pay with the approval of the finance board. I personally don't care whether the chief of police and some policemen don't like to have their salaries fixed by the police commissioners and finance board. I say it is where it belongs regardless of whether they like it or don't like it. It is where it is in every other city and town in this state. It is where it should be in Lewiston.

He has told you he has a bill, and I shall object to the bill increasing the salary of the police department of Lewiston. Again, we have to come to this legislature and let you gentlemen who do not know anything about Lewiston decide this. I admire the Senator from Cumberland, Senator Sanborn, for so stating he did not know the business of Lewiston, yet my good friend, Senator Peters says you should decide how much Lewiston should pay its police employees. I say that is wrong. I say and maintain, as an employer, no one has any right to tell me how much I should pay my employees. It is my business, and I say this is the business of Lewiston and not the business of the Ninety-first Legislature.

Mr. SANBORN: Mr. President, I want to say the inference which the Senator from Androscoggin, Senator Boucher, drew from my statement that there was a disagreement or difference of opinion among members of the committee, was correct. It was the Committee on Legal Affairs to which I had reference and not the Charter committee. I will say too, and in reply to the inquiries made by Senator Boucher, it is true that members of the police commission, chief of police and members of the Charter Committee have been here since the hearing because of the inconsistencies which they discovered, and because of their purpose and effort to have them straightened out in order that a bill would not be enacted which would be unworkable entirely.

Mr. PETERS: Mr. President, I want to say a brief word here. Senator Boucher refers to certain sections which were taken out. I could not get what they were as I could

not go quite fast enough, but he will find they are the inconsistencies we spoke of and had to be deleted in order to be workable. Regarding retirement pay, at the committee both proponents and opponents of Document No. 238 introduced by Senator Boucher, agreed that the retirement of policemen and firemen should be identical and we, of course, took it upon ourselves to straighten it out. It is the other change Senator Boucher speaks of.

In regard to the fire department, I also agree heartily that it is a fine department, as fine as one would want. I want to correct the statement Senator Boucher made in regard to settling the police pay. He said the aldermen had nothing to do with it. I want to draw attention of the honorable Senator to the fact that before any appropriation is approved, it must be included in the budget and it must be approved by the board of aldermen. There is no question on that. I think it is very very plain in the charter of Lewiston.

In regard to the police not being afraid of the aldermen. They are high and mighty and not fearful of the aldermen. That is the way we want to keep them. We want an independent police force. We like to keep it as independent as possible so that even if the honorable Mayor should transgress the speeding law, for example—I know he won't—they can bring him to trial and justice if it be the case.

MR. BOUCHER: Mr. President, I thank Senator Sanborn for clearing up the situation. I haven't a legal mind and don't claim to have. As to the discrepancies in this bill, I have talked with a lawyer on the committee and he doesn't think there is any discrepancy. If there are any, I will go on record as saying I am perfectly willing it should be amended. The question in dispute is very clear. It is very clear to me. It is a question of whether the Lewiston police department shall continue to be a fifth wheel in Lewiston and shall they have full power and full authority over everything in Lewiston? I certainly want them to do a good job. If they find me in error I want them to bring me before the court. I expect them to. I have lived there 43 years and they must be remiss in their duty because they have not

done it yet. I hope I won't do anything to force them to do any such thing.

I maintain this is a free country. We are not in Germany and we do not need any gestapo. I maintain we have a good police department in the city of Lewiston, as good as any in the state of Maine.

I maintain again, against the assertions of my brother from Androscoggin County. He is quite right that the salaries are not fixed by the aldermen. The appropriations have to be approved by the aldermen. But they do not approve the appropriation within thirty days after it is submitted it goes back to the finance board and they do the approving and the aldermen lose their rights so if they decided to cut the salaries of the police officials it would have to receive the approval of the finance board or otherwise it couldn't be done.

And again I maintain that the government of the city of Lewiston is bi-partisan and I believe that we have used our police department fairly and I believe that the good citizens of Lewiston still intend to do the same thing. I believe that this is justice, just one step forward.

To go back to what I asked for a week ago, give us back what belongs to us. Give to Caesar that which is Caesar's, and give back to Lewiston what belongs to Lewiston. And this belongs to Lewiston, this fixing of the salaries and pensions, retirement age, and so on. Those clauses have been taken out of the bill. And why? So that the police shall have to come to you again at future sessions and ask for this, that, and something else. And I don't believe it is the proper place. I believe that the Commissioners of the Police Board and the Finance Board of the city of Lewiston are well able to take care of the needs and the demands of the police department.

And again, Mr. President, I insist and demand this original bill and when the vote is taken I ask for a division.

THE PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, for the substitution of the original bill for all the drafts reported by the committee

and that Senator has asked for a vote by division. Is the Senate ready for the question?

A division of the Senate was had.

Two having voted in the affirmative and twenty-seven opposed, the motion to substitute did not prevail.

Thereupon, on motion by Mr. Sanborn of Cumberland, the report of the Committee "Ought to Pass in Second New Draft" on Legislative Document 911 was accepted and the bill was given its first reading.

Mr. SANBORN of Cumberland: Mr. President, before the second reading of this bill, I wish to offer an amendment and I do this with some hesitation. It relates to the salary of the police matron. The police matron is receiving a salary of \$1400 per year and there are said to be some fees that are in addition to that, the amount of which I have not been told of. There seems to be a strong sentiment to the effect that her salary is not quite sufficient and if it be true, as it may be, that the salaries of the police officers are to be increased for a two year period, I am offering Senate Amendment A, the effect of which is to increase the salary of the police matron from the present amount which is \$1400 I think, to \$1600 for the two year period and the two year period only. I am offering the amendment and moving its adoption:

"Senate Amendment A to S. P. 489, L. D. 911, 'An Act Amending the Charter of the City of Lewiston.'

Amend said bill by adding at the end of that part of section 7 thereof designated 'Sec. 11.' the following underlined sentence: **Provided, however, that for the period between April 1, 1943, and March 31, 1945 the salary of said police matron shall be fixed at \$1,600 per year.**"

Senate Amendment A was adopted.

Thereupon, the rules were suspended and the bill as amended by Senate Amendment A was given its second reading and passed to be engrossed.

Send down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report

from the Committee on Legal Affairs "Ought to Pass in Second New Draft" on bill "An Act Amending the Charter of the City of Lewiston" (S. P. 488) tabled by that Senator on April 26 pending acceptance of the report.

Mr. BOUCHER of Androscoggin: I move the indefinite postponement of this bill. I won't go into any extensive discussion of the matter. I think it is useless so I won't waste a lot of your valuable time. I just want to state that my reasons for that motion are the same as for the previous bill. I believe that Lewiston should decide how much they should pay their police officials.

Mr. PETERS of Androscoggin: Mr. President and members of the Senate, this bill increases the pay of the police officers in the city of Lewiston from, I think, \$1760 that they are getting now to some \$2000. It is a 20% increase for a period of two years. It only increases the salaries of the patrolmen and the inspector who acts as a sort of lieutenant and the period is, I believe, from April 1, 1943 to March 31, 1945. I believe they deserve this raise, under all conditions and so forth. I don't have to go into all that but that is all the bill does and I sincerely hope that the motion of the Senator from Androscoggin, Senator Boucher will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher for the indefinite postponement of Senate Paper 488, an Act Amending the Charter of the City of Lewiston. Is the Senate ready for the question?

A viva voce vote being had

The motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Peters of Androscoggin, the Majority Report "Ought to Pass in Second New Draft" was accepted and the bill was given its first reading; and under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. VARNEY of York: Mr. President, I rise to inquire if Legislative Document 561 bill "An Act Authorizing the Re-issuance of Bonds for the Purpose of Refunding Kennebec Bridge Bonds" is still in the possession of the Senate. For the information of the Secretary, that was

Item 3 on this morning's calendar on page 2 under "House Committee Reports." The Senate accepted the "Ought Not to Pass" report of the committee this morning in concurrence.

The PRESIDENT: In reply to the inquiry of the Senator from York, Senator Varney, the Chair will state that Legislative Document 561 is in the possession of the Senate.

Mr. VARNEY of York: Mr. President, the situation has arisen whereby it might become important that we should take some action with reference to these bonds and in order that the matter may still be before the legislature should that occasion arise I move that the Senate reconsider its action of this morning whereby it accepted the "Ought Not to Pass" report of the committee.

The motion prevailed.

Thereupon, on further motion by the same Senator, the bill and accompanying report were laid upon the table pending acceptance of the report in concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-In-A-Row" (L. D. 834) tabled by that Senator earlier in today's session pending motion to adopt Senate Amendment A.

Mr. OWEN of Kennebec: Mr. President, am I correct in my understanding that there is a motion before the Senate to adopt Senate Amendment A?

The PRESIDENT: The Senator is correct.

Mr. OWEN: Mr. President, this innocent little bill came into the Senate and was passed with the support of our most staid and pious members. It was difficult for me, in my unsophisticated innocence to understand the workings of the minds of some of the members of the legislative body, difficult for me to understand why in these times with such a manpower shortage and so much need for the investment of our savings in government bonds and war savings stamps, why some other method of amusement could not be adopted. If this amusement called Five-in-a-Row, which is before the Senate for discussion, is not gambling then I don't see any reason why it needs call for any

legislation and if it is gambling I am against it. I think that is my position.

The majority of the members of the House adopted an amendment which in my opinion made the bill what the proponents of it claimed it was in the first place but when it was returned to the Senate this morning, the fathers of it refused to claim it and the amendment was not adopted.

The Senate Amendemnt which is now under consideration, as I read it, simply changes the number of participants or players, or suckers, or whatever you want to call them, from four hundred to two hundred and I don't see how it is going to prevent the objections which the opponents of the bill have, and I am still prejudiced and narrow-minded and puritanical in my views and I am opposed to the bill.

Mr. FRIEND of Somerset: Mr. President, I just want to say that House Amendment A was not introduced by those who were in favor of the bill. It was introduced, I believe, by those who were opposed to the bill and in order to kill the bill.

Senate Amendment A was introduced solely to improve the bill and all that Senate Amendment A does—well, the bill as it now is places no limit on the numbers that can play the game at one time and Senate Amendment A limits the number to 200. It also reduces the license fee that charitable, educational, fraternal, patriotic, religious or veteran's organizations have to pay, from \$50 down to \$10.

When I say that the amendment was introduced to improve the bill, it improves the bill in this way, in that it would make it almost impossible for outside racketeers who want to come into the state of Maine and run big money games, to do so. With this limit on the number of players and with the limit of ten cents a card that each player can pay, it would make it practically impossible, and I believe impossible, to run into a big money game. That was the reason for this amendment and those who are in favor of this bill desire to do everything possible to eliminate the big game, the big money game, where they charge at the door and run it every night.

So I very much hope that the motion to adopt Senate Amendment A will prevail. That motion has

been presented by those who are in favor of the bill and wish to improve the bill.

Mr. BROWN of Aroostook: Mr. President, I dislike to inject myself into this question because I have told all my views on it but I don't think that the amendment is a great deal of improvement. If it is true that you keep them down to the limit of ten cents or five cents, you might not attract quite so many big racketeers but you would have to have a member of the police watching every game because as soon as the policeman is gone it is easy enough to change the stakes of the game. Therefore I think that part of it is unreliable or at least would cost a great deal to enforce because you would have to watch it continuously. Again, I am not so much concerned about the class of people who have a lot of money to spend and want to spend it gambling. If they want to gamble they might just as well do it that way as any other way. But I am concerned about the children and the families who are attracted by a ten cent game when they couldn't sit in to a higher priced game and if there is anything that can clean out the savings of working men any quicker than to have his wife and children playing Beano even at ten cents a card, I don't know what it is. I never was in favor of bringing up children to believe that they could get something for nothing. It is a bad principle to inculcate into any child and that is the very thing that makes this so bad in my mind. As my brother has said, the women like to play it. I have seen slot machines which didn't vary much from this. The city of Palatka tried at one time to get all of its revenue from slot machines and every store on the street had a variety of slot machines. In a short time they changed that policy, but they had a foolish idea that they could get money enough out of the suckers who played the machines to pay their city expenses, and I have actually seen a woman stand before a machine and put all her money into it up to the last penny and then turn to her friends and cry and say, "That was all the money Fred gave me to buy meat with for dinner." I have seen the children put their last cent into

it, money that had been given them for some other purpose. And Beano has the same attraction and I am still opposed to the bill and I am opposed to this amendment.

Mr. VARNEY of York: Mr. President, I went along with the bill the first time. I think my reason for doing so was because I understand that at the present time in Maine Beano is being played though probably it is illegal and I also understand—and I cannot vouch for the truth of this—that when you start to do something that is illegal you have to go to the police department or some department and in some way or other persuade them to shut their eyes and let you go ahead and play, so that without any Beano law the door was wide open to racketeers to go to a police department and get protection and operate then exclusively in that particular city where some good organization like the American Legion or a fair association would not stoop to trying to persuade a police department to let them play Beano and couldn't enjoy that privilege.

Now, I think that this amendment is very objectionable and I know lawyers always say "This is unconstitutional" but I think this is unconstitutional in that the amendment puts it right back onto the selectmen of the town and gives them the absolute authority to say that John Jones can run a Beano game in their town but that the American Legion cannot. I think that is clearly class legislation and opens the door so that a racketeer can go to the selectman of the town and say, "You give me the right to run Beano in this town and see to it that nobody else runs a Beano game."

Now, I don't want that to happen. I don't think that was the intent of this amendment and I think this amendment could be very easily amended if you will simply give to the selectmen of the town the right to say whether Beano shall be brought into that town or not and then if you are going to let one man or one organization operate a Beano game let every organization or every man who can qualify so far as the chief of the state police is concerned operate Beano games in that town or community.

I make these brief remarks because I am going to vote against the amendment for that reason.

Mr. DOW of Oxford: Mr. President, there is one thing in this bill that disturbs me and while I have voted for it so far, unless I can get that one particular question answered, I shall vote against it. I am wondering if what we call or understand the game of Five-in-a-Row is to be the same as Beano. In those sections which refer to the game of Five-in-a-Row it says, "This act shall not be applied to any other amusement or game." Does that mean that a person has got to run what is known as Five-in-a-Row under this bill and that other persons cannot play Beano? Unless I am satisfied that I am voting for Beano and not only Five-in-a-Row I won't go along with the bill. Maybe someone can answer that for me.

Mr. PETERS of Androscoggin: Mr. President, I believe that during the time which the bill was in hearing before the Legal Affairs Committee, I brought up that very question. And I ascertained from different sources who should know that Five-in-a-Row is not a patented game and that it means any game with five numbers in a row. That is, it doesn't apply particularly to the game known as Five-in-a-Row and you could play Beano or Bingo, and there are a few other names and I don't know just what they are, off-hand, but it does include all those games and is not confined to the game known as Five-in-a-Row.

Mr. OWEN of Kennebec: Mr. President, I don't pretend to be an expert on this proposition at all but the first time I read the bill I was impressed by the fact that I couldn't discover anyone who could define it sufficiently to enlighten me, including an expert on these amusements, as to what this game was and my subsequent observations have led me to believe that my first confusion wasn't entirely my own fault. I don't see anything in it which cannot apply to any game. There are other games which might have five in a row and as far as I can see you could play those, anything from checkers to strip poker and call it five in a row.

Mr. DUNBAR of Washington: Mr. President, I have up to now

refrained from injecting myself into any part of the debate related to the subject matter and I shall be very brief. It is only in passing, that I might clear up what the Senator from Oxford, Senator Dow has asked as to whether or not the game of Five-in-a-Row excludes Beano and Bingo, so-called.

I will say that the Senator from Androscoggin, Senator Peters is right when he states to you that in the hearing before the Committee, that question was answered to our satisfaction, that Beano, Bingo and Five-in-a-Row are all interchangeable. They are one and the same thing and as I understand it and have been what I consider reliably informed, the chief of the state police in attempting to enforce the law that is now being violated considers that Beano and Bingo and Five-in-a-Row are all the same thing, that they are interchangeable words and I am given to understand that if this bill passes that he in administering it will administer it with the idea that Beano and Bingo and Five-in-a-Row are all one and the same thing and interchangeable words.

Mr. DOW of Oxford: Mr. President, I wish to thank the Senator from Washington, Senator Dunbar, but it still doesn't answer my question. I have heard that the present chief of the state police may get through before long, may go to war or something, and how about his successor? If it is true that it includes the other games why not put in the words "Beano," and "Bingo" and not have to worry about them.

Mr. GCOD of Aroostook: Mr. President, I had hoped that Beano was all over but from the remarks that my brother made a few moments ago about the pious and upstanding member of the legislature, I assumed that he meant me. I noticed a short time ago that there was a bill in here to close the beer parlors and some good pious members didn't support it, but be that as it may as soon as I got the information that this would not include Beano I immediately went to the telephone because I had voted on the bill and I wanted the people to know why I voted as I did, people that have been playing Beano, all the state of Maine everywhere, in the fairs, at the Fish and Game

field days, at church entertainments and at the Legionnaires meetings. Those people have been playing illegally. So I immediately went to the telephone and called the chief of police and I asked him. I said, "You are aware of this Beano bill under consideration," and he said, "Well aware of it." And I said, "Do you know that under the bill you have the power to control it?" And he said, "I understand that." I said, "Just what does it mean; does it mean that any fraternal organization can play Beano or is it a professional game of Five-in-a-Row?" I said, "If it is Five-in-a-Row I am done now; if it is what I think it means, I am going to support it." And he said, "I have got all the power according to that bill that I need; I have got my rules and regulations drawn up now and I am giving you my word that there will be no racketeer come into the state of Maine and make a racket out of Beano, and any fraternal organization or church or organization or the legionnaires that want to play Beano can play Beano and I will see that they can and that no racketeers will come in here and commercialize on it."

That is exactly what he told me this afternoon over the telephone. I still believe that if we are going to allow people to play it we should legalize it. I still feel that I am right and I am going to vote that way until I am shown that I am wrong.

Mr. BISHOP of Sagadahoc: Mr. President, I am not sure that at this time of day, the Senators will be glad to hear from me again. I wish to state here that at the first of the session, the proponents were hunting for a father to this bill. They approached me to present it. I made this statement: "If you want your bill to lose, let me put it in for you." I wish now I had taken it. We have talked Beano and Five-in-a-Row as much as we have talked about any other matter before the legislature. We have had amendments offered pro and con and we have just heard the statement from the Senator from Aroostook, Senator Good, that if we are going to play Beano, let us legalize it.

Now we have lottery tickets sold within this state, so by the same reasoning let us legalize them.

Is that sound argument? Do we correct a vice by legalizing it? I hope that answers that question. Furthermore they have lowered the license fee for churches from \$50 to \$10 so now if the churches wish to gamble, all they have to do is to go and buy a ten dollar license. I talked with the present Papa of this bill about it and he was a bit panicky because he doesn't know much about the bill anyway. He said, "Well, you can take that out," and yet it has been amended twice and it has not been taken out. That shows how much the present Papa knows about this bill.

I still think it is wrong and even if it is late, I have taken the time to speak on this. I don't think that schools or charitable organizations should pay any fee and I don't think you should ask a church to buy a license to play the game.

Mr. McGLAUFILIN of Cumberland: Mr. President, I just want to ask if Senator Good ever saw Beano played at Old Orchard?

The PRESIDENT: The Senator from Aroostook, Senator Good may answer if he wishes.

Mr. GOOD: Mr. President, I never did see it played in Old Orchard but I have seen it played in Aroostook County and that is the only place.

Mr. BOUCHER of Androscoggin: Mr. President, my good friend Senator Dow brought in the question of other games. I think he has forgotten another game, three in a row, and that is, "Tick-tack-toe." Let's have that in the amendment.

Mr. OWEN of Kennebec: Mr. President, I fail to see the logic or reasoning that is intended to convince us that if the chief of the highway police has not been successful in cleaning up and abolishing this game when it is illegal, that there is anything more going to be accomplished by making it legal and allowing it.

The PRESIDENT: The question before the Senate is on the motion to adopt Senate Amendment A to Legislative Document 834. Is the Senate ready for the question?

Mr. FRIEND of Somerset: Mr. President, when the vote is taken I ask for a division.

A division of the Senate was had. Twenty having voted in the affirmative and ten opposed, Senate Amendment A was adopted in non-concurrence.

Thereupon, on motion by Mr. Friend of Somerset, the bill as amended by Senate Amendment A

was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Elliot of Knox  
Adjourned until ten o'clock tomorrow morning.