

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL  
Augusta, Maine

## HOUSE

Tuesday, March 29, 1955

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

Prayer by the Rev. Mr. Walter E. Kellison of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: The Chair is informed that there are in the balcony of the House this morning sixty-four students from the Fifth, Sixth, Seventh and Eighth Grades of the Manchester New Elementary School accompanied by their Principal, Mr. Earl Hayford, and their teacher, Mrs. Margerie Winchenpaw; also fifty members of the Senior Class from Farmington High School accompanied by their teacher, Mr. Reed.

On behalf of the House, the Chair extends to you a hearty and cordial welcome and hopes that your stay with us will be profitable. (Applause)

### Papers from the Senate

From the Senate:

Resolve Authorizing Commissioner of Institutional Service to Convey to Portland Water District a Right of Way for a Pipeline from the Falmouth Shore to Mackworth Island in Portland Harbor, Casco Bay (S. P. 505) (L. D. 1386)

Came from the Senate received by unanimous consent and referred to the Committee on Natural Resources.

In the House, received by unanimous consent and referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act Regulating Automobile Finance Business" (S. P. 493) (L. D. 1378)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act relating to the Granting of Malt Liquor Licenses" (S. P. 496) (L. D. 1379)

Bill "An Act relating to the Purchase of Liquor by Minors" (S. P. 497) (L. D. 1380)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Bill "An Act relating to Payment to Cumberland County Law Library" (S. P. 498) (L. D. 1381)

Bill "An Act relating to Transfer of Mount Chase Plantation to Aroostook County" (S. P. 499) (L. D. 1382)

Bill "An Act relating to Transfer of Town of Patten to Aroostook County" (S. P. 500) (L. D. 1383)

Bill "An Act relating to Transfer of Town of Stacyville to Aroostook County" (S. P. 501) (L. D. 1384)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

### Senate Reports of Committees Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act relating to Reserve List for Justices of Supreme Judicial and Superior Courts on Retirement" (S. P. 371) (L. D. 1067) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

### Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Time of Preserving Ballots and Check Lists as Public Records" (S. P. 400) (L. D. 1114)

Report of same Committee reporting same on Bill "An Act relating to Record of Prisoner and Warrant of Commitment Delivered to Warden of State Prison" (S. P. 401) (L. D. 1115)

Report of same Committee reporting same on Bill "An Act relating to Sum: Furnished Convict on Dis-

charge from State Prison" (S. P. 402) (L. D. 1116)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Report of the Committee on Business Legislation on Bill "An Act relating to Countersignature on Insurance Policies by Resident Agents" (S. P. 321) (L. D. 887) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 321, L. D. 887, Bill "An Act relating to Countersignature on Insurance Policies by Resident Agents."

Amend said bill by inserting the underlined word 'air' after the underlined word "covering" in the 3rd line of new subparagraph 8.

Committee Amendment "A" was adopted in concurrence, and the Bill assigned for third reading tomorrow.

#### **Ought Not to Pass Recommitted in Senate**

Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Condemnation Proceedings by Water Districts" (S. P. 332) (L. D. 896)

Came from the Senate with the Report and Bill recommitted to the Committee on Public Utilities.

In the House: The Committee Report was read and accepted in non-concurrence and sent up for concurrence.

#### **Non-Concurrent Matter**

An Act Ratifying a Proposed Compact between the State of Maine and Certain Other States

Providing for the Establishment of the New England Board of Higher Education (H. P. 409) (L. D. 456) which was passed to be enacted in the House on March 9, and passed to be engrossed on March 1.

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

In the House: The House voted to recede and concur with the Senate.

On motion of the gentlewoman from Presque Isle, Mrs. Christie, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

#### **Orders**

On motion of Mr. Seaward of Kittery, it was

ORDERED, that Mr. Greene of Belfast be excused from attendance during his illness.

#### **House Reports of Committees Leave to Withdraw**

Mr. Cote from the Committee on Liquor Control on Bill "An Act relating to Salesmen under Liquor Laws" (H. P. 1002) (L. D. 1149) reported Leave to Withdraw.

Mr. Duquette from the Committee on Taxation reported same on Bill "An Act Providing for a Tax on Quahogs" (H. P. 1019) (L. D. 1159)

Mr. Reed from same Committee reported same on Bill "An Act Clarifying the Exemption of Municipal Airport Property from Taxation" (H. P. 941) (L. D. 1044)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass**

Mr. Foster from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Issuing Bonds in Emergencies in City of Saco" (H. P. 617) (L. D. 663)

Mr. Quinn from same Committee reported same on Bill "An Act relating to Real Estate of the Bath Water District" (H. P. 921) (L. D. 1029)

Reports were read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Quinn from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes" (H. P. 111) (L. D. 119)

The Report was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Charles.

Mr. CHARLES: Mr. Speaker and Members of the House: It is shocking indeed to understand the reaction that was given us by this report from the Legal Affairs Committee. I therefore ask that this bill be recommended to the Committee or, if it is expedient, for the saving of time, that this be tabled and specially assigned for Wednesday, April 6.

The SPEAKER: The Chair will request the gentleman to indicate which motion he prefers.

Mr. CHARLES: Mr. Speaker, I would prefer the tabling and special assignment for Wednesday, April 6.

The SPEAKER: The gentleman from Portland, Mr. Charles, moves that the Report and Bill be tabled pending acceptance of the Committee Report and be specially assigned for Wednesday, April 6. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled and assigned.

Mrs. Christie from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act relating to Sales of Malt Liquor to Minors" (H. P. 673) (L. D. 749)

Mr. Stanwood from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Prohibiting Dragging for Lobsters" (H. P. 967) (L. D. 1093)

Mr. Reed from the Committee on Taxation reported same on Bill "An Act relating to Inheritance Taxes on Class B" (H. P. 969) (L. D. 1095)

Same gentleman from same Committee reported same on Bill "An Act relating to Inheritance Taxes on Class A" (H. P. 970) (L. D. 1096)

Mr. Sanford from same Committee reported same on Bill "An Act Exempting Malt Beverages from

the Sales and Use Tax Law" (H. P. 1016) (L. D. 1156)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft Printed Bill**

Mr. Browne from the Committee on Judiciary on Bill "An Act Permitting Re-opening of Examinations for State Employment by Disabled Veterans" (H. P. 745) (L. D. 826) reported same in new draft (H. P. 1165) (L. D. 1394) under same title and that it "Ought to pass"

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass Printed Bills**

Mr. Browne from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Creating Voting Places for Indians" (H. P. 910) (L. D. 1018)

Mr. Hancock from same Committee reported same on Bill "An Act relating to Funds for Minors Not Having Guardian" (H. P. 746) (L. D. 827)

Same gentleman from same Committee reported same on Bill "An Act relating to the Incorporation of Saint Johns Lodge, Masons of South Berwick, Number Fifty-one" (H. P. 306) (L. D. 847)

Mr. Lord from the Committee on Legal Affairs reported same on Bill "An Act Providing for a Dam or Tidegate in the Ogunquit River" (H. P. 1031) (L. D. 1203)

Mr. Quinn from same Committee reported same on Bill "An Act to Incorporate the Exeter School District" (H. P. 1058) (L. D. 1208)

Same gentleman from same Committee reported same on Bill "An Act to Amend the Paris Village Corporation" (H. P. 1073) (L. D. 1268)

Mrs. Thomas from same Committee reported same on Bill "An Act Setting Off Part of Berwick to South Berwick, York County" (H. P. 545) (L. D. 602)

Mr. Charles from the Committee on Liquor Control reported same on Bill "An Act relating to Excise Tax on Seven-Ounce Bottles of Malt Liquor" (H. P. 672) (L. D. 748)

Mr. Pierce from same Committee reported same on Bill "An Act relating to Shipping of Malt Liquor to Maine Wholesalers" (H. P. 674) (L. D. 750)

Mr. Hanson from the Committee on Taxation reported same on Bill "An Act relating to Donations or Gifts of Money to a Municipality" (H. P. 854) (L. D. 940)

Mr. Walsh from same Committee reported same on Bill "An Act Providing for Excise Tax on House Trailers" (H. P. 1020) (L. D. 1160)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

#### Ought to Pass with Committee Amendment

Mr. Childs from the Committee on Legal Affairs on Bill "An Act relating to Delivery of Motor Vehicles Sold by State on Bids" (H. P. 488) (L. D. 533) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 488, L. D. 533, Bill "An Act relating to Delivery of Motor Vehicles Sold by State on Bids."

Amend said Bill by striking out the underlined section 38-A and inserting in place thereof the following underlined section:

**'Sec. 38-A. Motor vehicles sold by State. Any motor vehicle sold by the State shall be sold to the highest bidder and shall be delivered to such purchaser within 14 days after such bid has been accepted by the State. This section shall not apply to exchange of motor vehicles for new models between the State and authorized dealers.'**

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Quinn from the Committee on Legal Affairs on Bill "An Act relating to Preference in State Purchases for Products Raised or Manufactured in State" (H. P. 924) (L. D. 1032) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 924, L. D. 1032, Bill "An Act relating to Preference in State Purchases for Products Raised or Manufactured in State."

Amend said Bill by striking out the underlined word "**approximately**" following the underlined word "**are**" in the 2nd line of section 40-A.

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Seaward from the Committee on Taxation on Bill "An Act Adjusting Limitations on School Assessments in the Unorganized Territory to Conform with New State Valuations" (H. P. 1034) (L. D. 1206) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1034, L. D. 1206, Bill "An Act Adjusting Limitations on School Assessments in the Unorganized Territory to Conform with New State Valuations."

Amend said Bill by inserting after the Title the following Emergency Preamble:

**'Emergency preamble. Whereas, acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, unorganized territory school taxes are assessed as of April 1; and**

**Whereas, the State Board of Tax Equalization made a revaluation of the state in 1954 which affected the income from the school tax on the unorganized territory; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,**

Further amend said Bill by striking out in the next to last line there-

of the underlined word "twice" and inserting in place thereof the underlined words 'a school tax rate of 10 mills on the dollar above'

Further amend said Bill by inserting before the period at the end thereof the following underlined punctuation and words: 'except that the school tax rate for the assessment made April 1, 1955 shall be limited to a school tax rate of 10 mills on the dollar above the average of the school tax rates of the municipalities of the State as found by dividing the 1954 municipal appropriations for school maintenance and operation by the 1954 state valuation of said municipalities'

Further amend said Bill by adding at the end thereof the following Emergency Clause:

**'Emergency clause.** In view of the emergency cited in the preamble this act shall take effect when approved.'

Committee Amendment "A" was adopted.

Thereupon, on motion of Mr. Seaward of Kittery, out of order and under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act to Permit Taverns to Sell Wine and Spirits" (H. P. 202) (L. D. 207)

Report was signed by the following members:

Messrs. CRABTREE of Aroostook  
CARPENTER of Somerset  
— of the Senate.

Mrs. CHRISTIE of Presque Isle  
Messrs. RICH of Charleston  
CHARLES of Portland  
PIERCE of Bucksport  
ANTHOINE of Windham  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. BOUCHER of Androscoggin  
— of the Senate.

Messrs. DOSTIE of Winslow  
COTE of Lewiston  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker, I move to accept the minority "Ought to pass" report of the committee. My reason for this is that I presented this bill to protect the workingman and his family. A man on his way home after his day's work, if he wants to take a drink there is no place for him now to go except to go to the liquor store and buy a fifth or buy a quart when he needs only one drink. The money that he is going to spend on the fifth or a quart he could better spend it to buy bread and butter for his family.

Another place where he can go now, he will have to go home after his day's work and dress up and go to the hotel and so-called cocktail room, meet a lot of friends, spend half of his pay before he goes home. Then the next place, he might go to what they call a "kitchen bar room" where they sell liquor without a license and they charge quite a lot for the drinks. Any person who buys liquor in a place where they sell without a license is just as guilty as the one who sells the liquor.

Now, I presented this bill to give the right to the taverns to have liquor. They will have to stand up at the bar to take a drink. If a man wants to take a drink after his day's work on his way to his family, he can stop at a tavern and take a drink and walk out, go back to his family. There are no tables, no chairs so a man after a hard day's work will not remain very long in the tavern. So, this bill is a very good bill. Some of those who opposed my bill at the hearing had to come to me the other day to admit to me after the hearing that my bill was good but for certain reasons they had to oppose my bill, certain reasons that they explained to me.

So, I hope the House supports my motion to protect the working man and his family so he will not have to spend so much money for a drink.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves that the minority "Ought to pass" report of the committee be accepted.

The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: Perhaps I should not inject myself into this debate on this measure. However, having served on the Liquor Control Committee of two years ago, I am quite familiar with the bill and, as I recall, two years ago when we granted the right to sell cigarettes and tobacco in the taverns, the proponents of the measure at that time came before the Committee and advised us that if we were to grant that permission they would come before a succeeding legislature and object to any additions to the current tavern law.

I believed what they said at that time and I still believe what they said. The theory that has been advanced here this morning may be all right but I do not quite go along with it. I think the taverns as they are now operating and as they should continue to operate should remain just as they are.

In order to dispose of this matter as I believe it should be disposed of, I move the indefinite postponement of the reports and the bill.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the two reports and bill be indefinitely postponed, which is the pending question before the House.

The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker, the taverns at the present time sell beer. I do not see any harm for them to sell hard liquor. Nobody has ever criticized the hotels because they sell hard liquor at a high price. I do not see why they are going to criticize the taverns if they sell hard liquor to the workingman especially when he will have to stand up to take his drink. I will state again, he will not stay there very long. By giving the right to the taverns you protect their family, the workingman's family, and I hope the motion of that gentleman (Mr.

Anderson of Greenville) does not prevail.

The SPEAKER: The Chair will restate the motion. The question before the House is on the motion of the gentleman from Greenville, Mr. Anderson, that both Reports and the Bill "An Act to Permit Taverns to Sell Wine and Spirits," House Paper 202, Legislative Document 207, be indefinitely postponed.

The effect of the motion is that if it is carried no further consideration will be given to this bill.

Is it the pleasure of the House that both reports of the committee and the bill be indefinitely postponed?

The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, I ask for a division of the House.

The SPEAKER: The gentleman from Rumford, Mr. MacDonald, requests a division.

As many as are in favor of the indefinite postponement of the consideration of either report and the bill, will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Ninety-seven having voted in the affirmative and five having voted in the negative, the two Reports and Bill were indefinitely postponed and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Limitation of Liquor Licenses" (H. P. 373) (L. D. 408)

Report was signed by the following members:

Messrs. BOUCHER of Androscoggin  
CARPENTER of Somerset  
CRABTREE of Aroostook  
— of the Senate.

Messrs. PIERCE of Bucksport  
CHARLES of Portland  
ANTHOINE of Windham  
COTE of Lewiston  
DOSTIE of Winslow  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:



Mrs. CHRISTIE of Presque Isle  
Mr. RICH of Charleston  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: A few years ago "Doc" Webb, who was the owner and proprietor of Webb's Drug Store in St. Petersburg, Florida, the most unusual drug store in the world, which sells, or did sell, everything from Seagrams to Seidlitz powders, discontinued the sale of alcoholic beverages.

When asked why he did it he said: "I began following the bottles home." Ladies and Gentlemen, did you ever try following the bottles home? Did you ever allow yourself to forget the revenue and face reality, the fact that the revenue is offset many times over by the cost of crime, poverty and misery which is caused by drinking?

The Bible teaches us to be our brothers' keepers. It warns us not to do anything which would injure a weaker brother.

Although I would like to see beverage alcohol entirely out of the picture, I am not proposing a prohibitory law, but simply asking that there be some restriction on the number of outlets. In some communities this bill would not restrict at all because the number of outlets is now below the requirements of this bill. In others, it would forbid the opening of any more outlets.

When Prime Minister McKenzie King issued a ban on alcoholic beverage advertising for the duration of World War II, he gave five reasons for temperance in the services. He said that failure to be temperate lowers efficiency with increased risk of accidents, helps establish habits which may lead to a breakdown of morale. If this is true in military service, why not also in civilian life?

This bill is very reasonable. It would not revoke any license now in effect. It would not prevent any present licensee from renewing his license. It provides that any town voting for a license of any type shall be permitted to have at least two full-time licenses.

If we can judge by our reaction to other drinks or foods, we are less tempted to take them if we do not see them around. My feeling is that if we have fewer licensed premises, there would be fewer occasions for temptation to drink. I also feel sure that a restriction on the number of licenses would make it easier for the understaffed enforcement division of the Commission. Fifteen out of the forty-eight states have a similar type of limitation. Others, nearly all, in fact, have some power of restriction on the number of licenses, but in Maine the only legitimate reason for refusing a license to an applicant is the fact that the person applying is not qualified to have one because of some violation of the law.

You all remember, I am sure, the Carl Austin Hall, — Bonnie Brown Heady kidnapping case when they kidnapped and murdered little Bobby Greenleaf. At the time of their execution Carl Hall said to the clergyman who visited him in the death cell: "Tell the world — tell them that only God is important. And tell them that if it were not for whiskey, these penitentiaries would be closed."

The sale and use of alcohol is creating a problem of tremendous importance in relation to the social and economic welfare of our nation.

Our ex-Attorney General of Maine said recently that of 154 homicides which came before him, 153 of them were caused, directly or indirectly, by alcohol.

The courts make a distinction between the right to sell alcoholic beverages and the right to sell food, clothing or other commodities.

As a member of the Liquor Control Committee, I feel that even the slightest curtailment of the sale of alcoholic beverages is of value. So, I hope the minority report is accepted.

The SPEAKER: The Chair understands that the gentlewoman from Presque Isle, Mrs. Christie, moves that the minority "Ought to pass" report of the committee be accepted.

The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker and Ladies and Gentlemen of the House: When I first became a member of

this body in 1941, I was on the Committee on Temperance, which is comparable to the Liquor Control Committee. At that time, a similar bill was before us. I understand that every year since 1941 the same bill has been before us and every year it has been defeated.

I regret that I must oppose my good friend, the gentlewoman from Presque Isle, Mrs. Christie. I disagree with her on a very minor matter pertaining to the number of states which do have restrictions. The figures before me show that thirteen states do have restrictions comparable to this bill. I am furthermore informed, out of credit to the gentlewoman from Presque Isle, Mrs. Christie, I will say that there are eighteen states which do have some type of restriction but not on the basis of population. The majority of those are controlled by the Commission. The remaining seventeen states, of which Maine is one, have no restrictions.

This bill would prevent any new outlets of any municipality in spite of the fact that the municipality should grow and we are all striving to bring new industries into the State. This bill would prevent free enterprise. The outlets are now controlled economically by the laws of supply and demand. This bill would definitely show favoritism. This bill would prevent a returning veteran from opening up a grocery store and selling beer in a great number of cases providing the population is roughly in the percentage contained in the bill. It has been estimated that in the City of Lewiston — I have just received these figures over the phone, I can not prove them — it would take roughly fifty years for a new beer outlet to be opened. That is definitely against new and free enterprise.

First of all, and the major reason for which I signed this bill, it would encourage rackets, graft and corruption. It would do that in this way: A person has a beer license. No one else can get a beer license providing the population is up to the limit. That person who has a beer license would incorporate. The purchaser would have to pay an exorbitant price to take over that corporation. I have seen that racket worked in the City of New York. Those of you

who take the Wall Street Journal can verify that. You see ads in the Wall Street Journal: "Liquor Store for Sale." It is a very small store but the price is way up in the thousands. That could easily happen here in the State of Maine.

I regret that I must oppose my good friend, the gentlewoman from Presque Isle, Mrs. Christie, but I certainly hope that her motion does not prevail and I ask for a division, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Charles.

Mr. CHARLES: Mr. Speaker and Members of the House: Under our system of local option voting, the people in our State have a right to tell us whether we shall sell liquor or not. If this bill is given an "Ought to pass" report, it would deny free enterprise. As the gentleman from Bucksport, Mr. Pierce, has said, it would affect our returning veterans who desire to find employment or to go into business after they have served their country. Should a licensee desire to sell his store or business under a limitation law, he would have difficulty if a prospective purchaser knows his name would go to the bottom of the list.

Now, I can truthfully say that approximately two-thirds of our take-out stores in the State of Maine are licensees. Many of these people are elderly, they are coming to the age now when they have to retire, many of them. I have received these reports from my office almost every day, somebody wants to sell their store. They are getting old; they want to retire. If they do sell their store, the new purchaser is going to worry about this limitation. If he happens to be in a area or a town where the limitation would take effect, he is not going to be interested in carrying on that particular business because he can not have a license.

Therefore, I ask in fairness to the merchants of this State, who are still operating under our local option laws, that due consideration be given and that this bill not pass.

The SPEAKER: The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker and Members of the House: The last two speakers have spoken from the standpoint of expanding business. I want to speak from the standpoint of having our State a better place to bring up our children, our boys and girls, and I believe that this bill is a good bill and I am going along with the gentlewoman from Presque Isle, Mrs. Christie, and I hope the majority of you do.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker, I am very much against that bill. Now, if this country is a free country, our state is a free state. Give a chance to anybody that is willing to run a respectable place to earn his living. You have never tried to pass a bill to stop the chain stores from establishing more than one store in the same city after they have put the local people out of business. Why deprive a person to buy a license as long as he is willing to run a respectable place? I do not see any reason to deprive them. I am going to repeat again, this is a free state. Let the men or women earn a living in a respectable way.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the minority "Ought to pass" report of the Committee on Liquor Control on Bill "An Act relating to Limitation of Liquor Licenses," House Paper 373. Legislative Document 408, be accepted. The gentleman from Bucksport, Mr. Pierce, has requested a division.

As many as are in favor of the acceptance of the minority "Ought to pass" report, will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Thirty-three having voted in the affirmative and seventy-two having voted in the negative, the motion did not prevail.

Thereupon, the majority "Ought not to pass" Report was accepted and sent up for concurrence.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels" (H. P. 441) (L. D. 487, which was recommitted.

Report was signed by the following members:

Messrs. BOUCHER of Androscoggin  
CARPENTER of Somerset  
CRABTREE of Aroostook  
— of the Senate.

Messrs. PIERCE of Bucksport  
CHARLES of Portland  
COTE of Lewiston  
DOSTIE of Winslow  
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mrs. CHRISTIE of Presque Isle  
Messrs. RICH of Charleston  
ANTHOINE of Windham  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The gentleman from North Haven, Mr. Baird, moves that the majority "Ought to pass" report be accepted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, I arise for a point of information. I would like to direct a question to any member of the Liquor Control Committee as to the definition in the bill in paragraph IX of the word "part-time".

The SPEAKER: The gentleman from Bangor, Mr. Totman, requests information as to the definition of the word "part-time" from any member of the Committee on Liquor Control. The gentleman from Bucksport, Mr. Pierce, may answer if he so chooses.

Mr. PIERCE: Mr. Speaker, quoting from memory, I have the laws in my locker, a part-time hotel is, I believe, June, July, August, Septem-

ber, a very few seasonal summer months. I am quoting from my memory but I believe that is correct.

May I correct myself, it is six months, Mr. Speaker, and starts from the spring until the fall. I am still quoting from memory.

The SPEAKER: The Chair recognizes the gentleman from Waterford, Mr. Pike.

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen: I have been in the summer hotel business for twenty-nine years and I have never yet wanted to sell any kind of liquor and I never thought that we could drink ourselves into prosperity and I hope that this "Ought to pass" report is defeated.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: Rather than prolong this inquiry of mine because I feel that this word premises of "part-time" hotels only is certainly very vague for a clearly written and closely written law, I would move that this bill lie on the table pending acceptance of the "Ought to pass" report and be specially assigned for tomorrow.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Totman, moves that the two reports and Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels", House Paper 441, Legislative Document 487, lie on the table pending the motion of the gentleman from North Haven, Mr. Baird, that the majority report "Ought to pass" be accepted and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were so tabled and assigned.

### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Employment by Liquor Licensees of Persons with Liquor Law Convictions" (H. P.751) (L. D. 832)

Report was signed by the following members:

Messrs. CARPENTER of Somerset  
BOUCHER of Androscoggin  
— of the Senate.

Messrs. PIERCE of Bucksport  
CHARLES of Portland  
ANTHOINE of Windham  
COTE of Lewiston  
DOSTIE of Winslow

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. CRABTREE of Aroostook  
— of the Senate.

Mrs. CHRISTIE of Presque Isle  
Mr. RICH of Charleston  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Roundy.

Mr. ROUNDY: Mr. Speaker, I rise to move the acceptance of the "Ought not to pass" report. I would like to say just a word in connection with the motion.

This changes the law already in existence so that Section 30 of the chapter particularly involved shall be made to read as follows: "No licensee shall employ," and then these are the additional words that are put in, "except with the permission of the Commission in their sound discretion," and then the law goes on as formerly, "as a manager or leave in charge of his licensed premises any person who by reason of conviction of violation of any liquor laws or because of having had his license for sale of liquor revoked would not himself be eligible for a liquor license."

In other words, my motion means leaving this matter to the determination of the court where it stands now and not referring, if a person so desires, to the Liquor Commission for overruling the judgment of the court. This is within the policing realm of the liquor law and I think that this should remain as it is and not be changed by placing upon the Commission a responsibility which the law does not now place there. As I listened rather carefully in the hearing, I noticed that Mr. Heselton, the attorney for the Liquor Commission, is not favorable to this change and I hope that my motion will prevail.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves

that the minority "Ought not to pass" report be accepted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Portland, Mr. Charles.

Mr. CHARLES: Mr. Speaker and Members of the House: This particular bill was presented by me by request. It had to do with an unusual case which I do not have to explore here at this time and take your time on today's session. But it could happen to almost anybody in the State of Maine that had a business or who had his license lifted.

This bill only gives the Commission the discretionary powers of determining within their own righteous minds under extenuating circumstances whether a person who had previous violations could remain in a store as manager for a temporary period or for any length of period in the absence of the original manager.

You will understand, of course, that under a Sunday sale a licensee could have his license suspended for a period of five years. An agent who has been suspended for this period, that is, a previous owner who now becomes an agent, must abide by that decision for a period of five years. He can not be a manager of a store or have charge of anything while a manager is out. Because of certain things that might happen in that store, it may be a man and wife combination, and there may be labor difficulties, there may be wage difficulties, and the wife may be ill sometime as they do get. Nobody is immune from illness or sickness or from any emergencies. Under these conditions, the store would have to be closed. When such things are brought to the attention of the Liquor Commission, they are given the power and discretion under this law to determine whether this man is a satisfactory person to remain in business. Possibly he has learned his lesson from his previous mistakes and he might be all right. That is up to the Commission to decide. We are not asking anything unreasonable because at the present time the Commission does say, under suspension of licenses, how long a license may be suspended, under certain conditions. They have the right to do that already. Under this

bill, we are only asking them to do the same thing under the terms of an agent working in a store as a manager.

I just want to bring these facts clearly to the House so that they will understand that this is very fair and if the Commission does not feel that justice is due in any particular case, they can always stand by their original agreement and stick to their previous convictions. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: After listening to these two able gentlemen talk, it appears to me that the issue is clearly drawn. The issue is, as I see it, shall we uphold the decisions of the court or shall we because of sympathy—and I am a man of sympathy and I appreciate the gentleman from Portland's (Mr. Charles) sympathy for these men—but shall we because of our sympathy do away with our courts' rulings and let three men who are in the liquor business decide.

Now, I think there is a majesty in the courts and there is a majesty in the law and I realize that you ladies and gentlemen here have a right here to banish every law on the books and write all new ones regardless of the courts but I believe that you do understand your responsibility to the law and to the courts and I believe that you will support the courts in this issue.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Foss.

Mr. FOSS: Mr. Speaker, to my mind the worst feature of this bill has not been mentioned and that is the fact that it opens the way for political pressure on the Liquor Commission.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I did not intend to take your time on more than one bill but I do want to bring this to the attention of the House that the person who was presumably responsible for the introduction of this bill was asked by a member of the

Committee if he knew he was violating the law when he sold on Sunday and he said yes, he did. Then Mr. Haskell came down and said that that was not the only violation. I just wanted you to know about that.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Roundy, that the minority "Ought not to pass" report of the Committee on Bill "An Act relating to Employment by Liquor Licensees of Persons with Liquor Law Convictions," House Paper 751, Legislative Document 832, be accepted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Portland, Mr. Charles.

Mr. CHARLES: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Portland, Mr. Charles, requests a division.

As many as are in favor of the acceptance of the minority "Ought not to pass" report will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Eighty-three having voted in the affirmative and fourteen having voted in the negative, the Minority Report "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: The Chair would like to bring to the attention of the House that there is still another group of students here this morning, the fifth, sixth, seventh and eighth grades of the East Vassalboro Grammar School numbering forty-eight students accompanied by four parents and two teachers.

On behalf of the House, the Chair extends to you also a hearty and cordial welcome. (Applause)

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Tables, Booths, etc. on Certain Premises Licensed to Sell Liquor" (H. P. 1003) (L. D. 1150)

Report was signed by the following members:

Messrs. CRABTREE of Aroostook  
BOUCHER of Androscoggin  
CARPENTER of Somerset  
— of the Senate.

Messrs. PIERCE of Bucksport  
CHARLES of Portland  
ANTHOINE of Windham  
COTE of Lewiston  
DOSTIE of Winslow  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. RICH of Charleston  
Mrs. CHRISTIE of Presque Isle  
— of the House.

Reports were read and, on motion of the gentleman from Bucksport, Mr. Pierce, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

#### First Reading of Printed Resolves

Resolve in favor of Amy M. Meister of Otisfield (H. P. 341) (L. D. 1389)

Resolve to Reimburse Alexander Belanger of Lewiston for Damages by State Ward (H. P. 582) (L. D. 1390)

Resolve in favor of Fred Kinner of Lewiston (H. P. 583) (L. D. 1391)

The Resolves were read once and tomorrow assigned.

#### Passed to Be Engrossed Tabled

Bill "An Act relating to Rules and Regulations of the Department of Inland Fisheries and Game" (S. P. 180) (L. D. 432)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Cook, tabled pending third reading and unassigned.)

Bill "An Act relating to Temporary License for Osteopathic Physicians" (S. P. 270) (L. D. 701)

Bill "An Act relating to Nonresident Owned Semi-Trailers" (S. P. 385) (L. D. 1081)

Bill "An Act relating to Marking Certain Sardine Cans for Contents" (S. P. 387) (L. D. 1101)

Bill "An Act relating to Appointment and Duties of Trustees of

Presque Isle Sewer District" (H. P. 378) (L. D. 413)

Bill "An Act relating to the Taking of Minnows for Bait" (H. P. 534) (L. D. 591)

Bill "An Act relating to Instruction Permits to Drive Motor Vehicles" (H. P. 614) (L. D. 662)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### **Tabled and Assigned**

Bill "An Act relating to Open Season on Otter and Fisher" (H. P. 1161) (L. D. 1387)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. McCluskey of Warren, tabled pending third reading and specially assigned for Tuesday, April 5.)

Bill "An Act to Incorporate the Moscow Water District" (H. P. 1162) (L. D. 1388)

Resolve in favor of Alvah T. Leighton of New Gloucester (H. P. 466) (L. D. 511)

Resolve in favor of Ronald A. Faulkinham of Belfast (H. P. 519) (L. D. 582)

Resolve Regulating Fishing in Little Tunk Lake, Hancock County (H. P. 779) (L. D. 862)

Resolve Regulating Fishing in West Lake in Hancock County (H. P. 780) (L. D. 863)

Resolve Prohibiting Use of Fish as Bait in Certain Lakes in Aroostook County (H. P. 782) (L. D. 865)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

#### **Amended Bills**

Bill "An Act relating to Qualifications of Applicants for Registration as Licensed Physicians or Surgeons" (S. P. 64) (L. D. 177)

Bill "An Act to Revise Certain Election Laws" (S. P. 94) (L. D. 225)

Bill "An Act relating to Destruction of County Records" (S. P. 155) (L. D. 349)

Bill "An Act Providing for Reappointment of Active Retired Justices" (S. P. 157) (L. D. 351)

Bill "An Act relating to Continuous Credit for Excise Tax on Motor Vehicles" (S. P. 275) (L. D. 705)

Bill "An Act Declaring Lawful Certain Rules and Regulations Promulgated by State Departments" (S. P. 289) (L. D. 800)

Bill "An Act relating to Inheritance Tax Bonds" (S. P. 346) (L. D. 955)

Bill "An Act relating to the Duties of the Commissioner of Agriculture Re Sardine Canning Inspection Law" (S. P. 386) (L. D. 1182)

Bill "An Act to Incorporate the Mexico Sewer District" (H. P. 500) (L. D. 551)

Bill "An Act relating to Dealer and Transit Motor Vehicle Registration" (H. P. 615) (L. D. 623)

Bill "An Act relating to Dumping Rubbish and Bottles on Highways from Motor Vehicles" (H. P. 669) (L. D. 745)

Bill "An Act Permitting Hunting with Bow and Arrow in Waldo County" (H. P. 895) (L. D. 1003)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act to Create the Brunswick Parking Authority (H. P. 622) (L. D. 628)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker, this is of vital importance to the Town of Brunswick and I would like to have a count of the House to see if there is two-thirds of the elected membership present and, if not, that it lie on the table and be specially assigned for tomorrow, March 30.

The SPEAKER: The Chair would state that shortly before a count was taken and the Chair believes that two-thirds are present. If it should fail in the two-thirds, a motion to reconsider would be possible.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act relating to the Laws of Divorce (S. P. 125) (L. D. 321)

An Act relating to Definition of Retail Sale Under Sales Tax Law (S. P. 138) (L. D. 330)

An Act relating to Payment of Alimony and Support of Minor Children (S. P. 193) (L. D. 447)

An Act relating to Children Caring for Parents (S. P. 194) (L. D. 445)

An Act relating to Charitable Gifts by Trust Companies (S. P. 341) (L. D. 950)

An Act to Change the Name of Rumford Falls Trust Company and Amend its Charter (H. P. 192) (L. D. 197)

An Act to Establish the Town of Madawaska Municipal Court (H. P. 299) (L. D. 310)

An Act Providing for the Union of the Towns of Bucksport and Verona as One Municipality (H. P. 300) (L. D. 311)

An Act relating to Trapping for Bear (H. P. 413) (L. D. 460)

An Act relating to Open Season for Fishing (H. P. 414) (L. D. 461)

An Act relating to the Taking of Alewives in the Town of Alna (H. P. 456) (L. D. 491)

An Act relating to Annual Meeting of Board of Veterinary Examiners (H. P. 512) (L. D. 576)

An Act relating to Time of Examination by Board of Veterinary Examiners (H. P. 513) (L. D. 577)

An Act relating to Failure of Towns to Remit Dog License Fees (H. P. 562) (L. D. 619)

An Act relating to Reports on Damages by Dogs to Poultry (H. P. 633) (L. D. 710)

An Act to Confer Additional Rights and Powers upon East Branch Improvement Company (H. P. 707) (L. D. 775)

An Act relating to Sale of Unused Forest Fire Warden Headquarters Sites (H. P. 786) (L. D. 869)

An Act Regulating Abandonment of Iceboxes, Refrigerators and other Airtight Containers (H. P. 836) (L. D. 927)

An Act Regulating the Taking of Alewives in the Town of Bristol (H. P. 850) (L. D. 936)

An Act Regulating the Taking of Clams in the Town of Penobscot (H. P. 851) (L. D. 937)

An Act to Provide for the Creation of the Office of Director of Public Works for the City of Waterville (H. P. 917) (L. D. 1025)

An Act relating to Power to Hold and Purchase Property by the City of Waterville (H. P. 918) (L. D. 1026)

An Act Amending the Slum Clearance and Redevelopment Authority in Portland (H. P. 920) (L. D. 1028)

An Act Amending the Charter of the City of Brewer (H. P. 923) (L. D. 1031)

An Act relating to the Digging of Clams in Freeport (H. P. 936) (L. D. 1039)

#### Finally Passed

Resolve in favor of H. Tabenken & Co., Inc., of Bangor (H. P. 40) (L. D. 365)

Resolve Regulating Fishing in Mousam Lake, York County (H. P. 267) (L. D. 251)

Resolve Regulating Fishing in Square Pond, York County (H. P. 268) (L. D. 252)

Resolve Regulating Fishing in Goose Pond, York County (H. P. 269) (L. D. 253)

Resolve Regulating Fishing in Little Ossipee Pond (H. P. 270) (L. D. 254)

Resolve Regulating Fishing in Flagstaff Lake in Franklin and Somerset Counties (H. P. 477) (L. D. 522)

Resolve Regulating Fishing in East Pond Stream (H. P. 656) (L. D. 733)

Resolve Regulating Fishing in Pemaquid River, Lincoln County (H. P. 658) (L. D. 766)

Resolve Opening Porter Lake, Franklin County, to Taking of Smelts (H. P. 659) (L. D. 735)

Resolve Authorizing Certain Monies in Possession of the Augusta State Hospital to be Added to the Hospital's Trust Funds (H. P. 700) (L. D. 768)



Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Bill "An Act Increasing Salaries of the Judge and Recorder of the Town of Lincoln Municipal Court", Senate Paper 360, Legislative Document 969, tabled on March 22 by the gentleman from Medway, Mr. Potter, pending first reading, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Bill was given its two several readings.

Senate Amendment "A" was then read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 360, L. D. 969, Bill "An Act Increasing Salaries of the Judge and Recorder of the Town of Lincoln Municipal Court."

Amend said Bill by striking out all of the 6th and 7th lines thereof and inserting in place thereof the following:

'His salary shall be \$2,000 ~~\$2,300~~ a year, beginning January 1, 1951, to be paid monthly from the treasury of the county of Penobscot.'

Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Displaying Names of Owners and Lessees on Truck Tractors," House Paper 972, Legislative Document 1093, tabled on March 22 by the gentleman from Belfast, Mr. Greene, pending first reading.

The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker, owing to the absence of my colleague, the gentleman from Belfast, Mr. Greene, on account of illness, I move that this bill lie on the table unassigned pending his return to the House.

The SPEAKER: The gentleman from Winterport, Mr. Bean, moves

that the bill lie on the table pending first reading and unassigned. Is this the pleasure of the House?

The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker, in discussing this matter with the gentleman from Belfast, Mr. Greene, last week I understood —

The SPEAKER: For what purpose does the gentleman rise?

Mr. CIANCHETTE: On the question of the time of tabling, Mr. Speaker.

The SPEAKER: The Chair will state that there can be no debate on a tabling motion.

Is it the pleasure of the House that this bill lie on the table pending first reading and be unassigned?

The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Bill "An Act Regulating Closing-Out Sales and Similar Types of Sales," House Paper 297, Legislative Document 280, tabled on March 22 by the gentleman from Bar Harbor, Mr. Edgar, pending first reading and the Chair recognizes that gentleman.

Mr. EDGAR: Mr. Speaker, I now move that this bill be given its first two readings, after which I would like to present House Amendment "A".

Thereupon, the Bill was given its two readings.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 297, L. D. 280, Bill "An Act Regulating Closing -Out Sales and Similar Types of Sales."

Amend said Bill by adding after the underlined word "to" in the 2nd line of Sec. 79-D. the following underlined words and punctuation 'liquidation sales by public auction of not more than three days duration conducted by a licensed auctioneer.; or'

Committee Amendment "A" was adopted.

Mr. Edgar of Bar Harbor then offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 297, L. D. 280, Bill "An Act Regulating Closing - Out Sales and Similar Types of Sales."

Amend said Bill by adding at the end of that part designated 'Sec. 79-A' the following underlined figure and words:

**'III. Upon compliance with the requirements of this section, the municipal officers shall issue the license forthwith.'**

Further amend said Bill by adding at the end of that part designated 'Sec. 79-C' the following underlined sentence:

**'If a n y person convicted of any violation of t h e provisions of section 79-A shall appeal from the decision or sentence of the trial court, his license issued in accordance with these regulations shall be suspended during the time his appeal is pending in the appellate court.'**

House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Bill "An Act relating to Checking Speed of Motor Vehicles by Electrical Devices," House Paper 109, Legislative Document 117, tabled on March 22 by the gentleman from Lewiston, Mr. Dumais, pending first reading, and the Chair recognizes that gentleman.

Mr. DUMAIS: Mr. Speaker and Members of the House: We have written for some material that we would like to have and I would like to table this matter for one week from today.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, moves that this matter lie on the table pending first reading and be specially assigned for Tuesday of next week, April 5. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so tabled and assigned.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, House Report "Ought to pass" of the Committee on Business Legislation on Bill "An Act relating to Transporta-

tion of Explosives," House Paper 337, Legislative Document 378, tabled on March 22 by the gentleman from Pittsfield, Mr. Cianchette, pending acceptance, and the Chair recognizes that gentleman.

Mr. CIANCHETTE: Mr. Speaker, at this time I move acceptance of the committee report so that the bill may have its first reading, then I would like to move after that House Amendment "A" be adopted.

The SPEAKER: The gentleman from Pittsfield, Mr. Cianchette, moves that the report of the committee be accepted. Is this the pleasure of the House?

The motion prevailed and the "Ought to pass" Report of the Committee was accepted and the Bill was given its two readings.

Mr. Cianchette of Pittsfield then offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 337, L. D. 378, Bill "An Act relating to Transportation of Explosives."

Amend said Bill by adding at the end, the following underlined sentence:

**'Explosives referred to herein shall not include petroleum products.'**

House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, Bill "An Act to Amend the Charter of the Town of Mount Desert to Give the Selectmen Authority to Make Ordinances", House Paper 281, Legislative Document 265, tabled on March 22 by the gentleman from Mount Desert, Mr. Reynolds, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. REYNOLDS: Mr. Speaker and Members of the House: This act, L. D. 265, was tabled and specially assigned for today. At the time that I tabled this act, it was my intention to offer an amendment. However, since last week and up to this moment there have developed a few points of difference between those who are interested in its pas-

sage and those who oppose it that in order to give me more time to iron out any differences, I respectfully request that the bill be retabled and specially assigned for Wednesday, April 6.

The SPEAKER: The gentleman from Mount Desert, Mr. Reynolds, moves that this matter lie on the table pending passage to be engrossed and be specially assigned for Wednesday, April 6. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled and assigned.

The SPEAKER: The Chair lays before the House the seventh tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Judiciary on Bill "An Act to Provide for the Observance of Legal Holidays", House Paper 911, Legislative Document 1019, tabled on March 23 by the gentleman from Bath, Mr. Ross, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: Last Thursday I made a few brief remarks relative to the decision of the Judiciary Committee on another matter. At that time I was willing to concur with their unfavorable report. I hold these men in the same esteem, but today I must disagree with their majority report. Fortunately it is our privilege to disagree with people whom we respect. I have a very difficult problem today, because I must discuss a practical and logical approach against one of sentiment and tradition, and not only that, but I must present my views against some of the best speakers in this House, I imagine.

First of all, so that we will not get confused, let us look at this bill and see what it is. The first sections suggest changing the designation of two days, Armistice Day to Veterans' Day and Washington's Birthday to Presidents' Day. The next section in bold type, which is the most important part, does not say that we will do away with any of these days or dates, it does not say that we will change the dates, it says that we will set a specific day of the week

for the legal observance, and the final part says that it will not become effective until ratified by thirty-one other states. Massachusetts already has done that and it is being presented to all the other Legislatures at this time. Now as far as the first part goes, why do we suggest that we change these names? Armistice Day, as you all know, was originally set up as a date for the victorious conclusion of the do-all and end-all World War I. As soon as we went into World War II I maintained that the original meaning of Armistice Day was gone. As a matter of fact, last year President Eisenhower by proclamation declared that Armistice Day should become Veterans' Day to honor the veterans of all wars, so I say that that is just as well to be set aside as a day rather than a date.

Now the next one, I am sure you will hear quite a lot about this, is Washington's Birthday. We have been accused of trying to throw George Washington out the window. That is not so. We certainly will admit that he was the first President of this great land and the Father of our Country, but we maintain there are men equally as great. As a matter of fact, in thirty states at the present time they have a day—a legal holiday in memory of Abraham Lincoln, in four for Jefferson, in two for Roosevelt, in one for Jackson. There have been many great men, and there must be even greater men in this country if we are going to exist and maintain our world supremacy in these perilous times. We say that there should be one day set aside as a legal holiday in honor of the dignity of the position of President of the United States. We are not trying to change Washington's birth date because of course we can not do that, although I think history will show that it has been done once by a calendar change, and on the 22nd his birthday will still be held, and those who want to single him out as the greatest of course can do it with proper observances at that time, as we did this last February 22nd in this House, because we did not consider that that day was significant enough for us to declare a recess from our legisla-

tive duties. I certainly think that that was only fitting and proper.

Now the second part, why do we propose to have these five non-religious holidays be observed on Monday? At the public hearing, after the proponents had spoken, a senior from South Portland High School said that the proponents had just given a discussion of somatics. Now I thought I knew what somatics was, but I was not sure, I did not have the privilege of attending South Portland High School, so I had to look it up, and as probably all of you know it means materialism. Now I will not talk in terms of materialism and I will not talk in monetary terms. I think it is a foregone conclusion that if we were to have these long weekends it would bring business and money into our State. Perhaps our economy is stable enough that we do not need that, but I am going to talk on it as a logical, popular and progressive approach to our holiday planning for the physical and moral well-being of our working people. A holiday is a day of recreation and rest, it is a day fixed by law for the suspension of business. Now just because we in the various states declare certain legal holidays that does not mean that business will grant them. The laboring man has convinced his employer of the need for these days. I think that the gain from long week ends are quite obvious, to afford rest and relaxation, for family travel, for short vacations, for persons who unfortunately are living on a very strict schedule and cannot get other ones. It certainly cuts down on absenteeism both in our businesses and in our schools. It furthermore strengthens the religious aspect of the holiday since a Sunday comes so close.

Now I have discussed two of these holidays, the Armistice Day to Veterans' Day and Washington's Birthday to Presidents' Day. Let me briefly discuss the other three. Patriots Day. Patriots Day is in this bill. As you all know Patriots Day is the anniversary of the battle of Lexington and Concord. It was on that day that the shot was heard around the world, but only Maine and Massachusetts recognize this day, and that is not because of any patriotic insignificance that the day

has, but it just happens that this particular day has not been forced by any groups throughout the country for major observance.

The next is Memorial Day or Decoration Day. In the State of Maine I think that this is one of the most controversial days. This was the day of course originally that we were to honor the soldiers who died in the Civil War, and now we honor all of the soldiers on that day. I say it is controversial in Maine. In Maine we have a date of the 30th of May. That date of course is so in many, many other states, but also sectionally Memorial Day is observed on April 26, May 20th and June 3rd. I certainly say that we do want to have a day to honor the men who have fallen in battle for this Country, but I maintain it does not necessarily have to be a date. I have heard it said that it is these patriotic dates that help men decide whether or not they will pick up arms and fight for our Country. I maintain that if dates are the extent of our patriotism, Heaven help us. I served in the United States Army for six years from 1940 to 1946. I have had many friends who have suffered and died for their Country, and I do not believe that these men would have been any less willing to do that if they had known that we were not going to decorate their graves on the 30th day of May, but perhaps on the 29th or some other day.

Now the opposition at the public hearing, I told you the one exception of the Portland High School senior, but the main opposition came from these four groups: The Daughters of the American Revolution, the Grand Army of the Republic, the Sons of Union Veterans, and the Daughters of Union Veterans. I am sure that all of you have received cards saying "I am opposed to Bill L. D. 1019." These cards originated from this last group, the Sons of Union Veterans. These groups are minority groups, but of truly patriotic citizens. I sincerely respect their devotion to the dates which they hold sacred, but we maintain that if our principles are against true patriotism, then conspicuous by their absence were rep-

representatives of the American Legion and Veterans of Foreign Wars.

The next date is fourth of July so-called. It is really Independence Day. I will not go into the details of how the Declaration was passed on the second of July but not signed until the fourth of July. But I maintain that the days of the grand and glorious fourth as a date are gone. We no longer have the fireworks and the tragic accidents, but it is amazing thing while trying to outlaw fireworks, we did run into a lot of opposition from people who said they did not want to break with tradition. We certainly want to recognize the independence of this Country, but we say let us do it on a day rather than a specific date. I just mentioned accidents on the Fourth of July and I am quite sure that some of my opponents will pick that up and say that over long week ends certainly our accident rate will increase. The whole program has been cleared by the National Safety Council who maintain that if we split our long week ends up over a year, and it has been proven in the past when they have happened to fall that way, that the people are not all trying to get away on the same day as they do now on Labor Day.

Now I mentioned the opposition. Who was at the hearing in favor of this bill? First of all the representatives of Labor, the representatives of Management in our State, various Chambers of Commerce, Transportation Agencies, the Maine Development Commission, the Maine Publicity Bureau, and the State organizations of hotels, wholesale merchants and retail merchants. Perhaps you can say that this is materialistic, but at least it is representative of the majority of our State's working force.

I received a letter this morning that was addressed to Mr. Childs, saying that this plan was communistic. If this plan is communistic, after that list of sponsors that I have just mentioned, I maintain that our Country is certainly in dire peril. If it is communistic to make the lot of our working man a little more pleasant, then I have been laboring for a long time under false delusions. They say we have

no right to tamper with tradition and change dates, but that exact thing is done right now when any one of these legal holidays falls on a Sunday, they are observed on a Monday regardless of the date. Things must change. I had the privilege last week to hear Mr. Demler, Chairman of the Securities and Exchange Commission in Waterville. In his brief first opening remarks he said that he was pleased to be in New England because it was indicative of why our Country was so great. He said that New England had a history of adaptability to change, and that our progress was not based on slogans but on constructive initiative.

Now as far as traditions go, for many years we have had one more tradition, March 15th. Now for some reason or other I evidenced no objection from any source when income tax day was put off until April 15th. I was told that perhaps I should prepare a poem, but although I enjoy doing that type of thing, as far as my side of this discussion goes, if I were to do that I would have to make jest or ridicule these holidays, and I certainly have no intention of doing that. I have also refrained from any Biblical quotations because of course with a subject like this you can find from the scriptures many things that would be applicable to both sides.

In summary I say we are not doing away with any of our patriotic days, we are just changing the legal observance of those days. The plan has a logical approach. Massachusetts has already accepted it. I am thoroughly convinced that sooner or later it is going to come, so why should the State of Maine put off until we are forced to do it. We say that we cannot bear to break with tradition, but if we could bear to break with tradition, this is one small, pleasant thing we could do for the working man without costing the taxpayers of the State of Maine a cent, so at this time I would like to move acceptance of the minority "Ought to pass" report and call for a division vote. Thank you.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the acceptance of the minority "Ought to

pass" report of the Committee on Judiciary.

The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I want to mention two historical facts. The ancient Jewish nation was strong and prosperous as long as it followed God's teachings, but they got to seeking pleasure and they got to a place where they worshiped idols made by their own hands, and that Jewish nation vanished from the earth. Later came that great empire of Rome. In its height its moral element was fine, its patriotism was strong, but Rome too started out on a course of pleasure. They became so addicted to that sort of thing that they grew weak and they were easy preys to the Huns and Rome too vanished from the earth. The point I am trying to make is this, that although this Country today is the greatest Country in the world, we cannot afford to undermine its morale. These holidays are landmarks in history. The Son could quote scripture, in Deuteronomy you will find these statements: "Remove not your neighbor's landmarks" and in another place "Cursed be he —" The first one is "remove not the ancient landmark" the second one, "Cursed be he who removes his neighbors landmarks". These landmarks in history are part of our birthright. Perhaps the gentleman from Bath, Mr. Ross, is willing to give up his birthright, but I am not willing to give up mine. Now what does this bill propose? In the first place, it proposes to dump George Washington's birthday out the window. We have observed that date since 1796, one hundred and fifty-nine years, and the purpose of that was to honor the Father of our Country whom we considered worthy of such an honor. What does this bill propose? It proposes to make that Presidents' Day. Presidents' Day which does not mean to me a single thing. If you put it wash day, that might mean something because it might clean up something, but to put it Presidents' Day, I cannot conceive of any Mason in this room voting to throw George Washington out the window in this way.

Now we come to the Memorial Day. That was established by John Logan when he was Commander-in-Chief of the Army of the Republic in 1868, and it became a law in 1874, and we have been observing it in Maine on the 30th day of May ever since, and I want to tell you that on that day, notwithstanding the times that we may have observed for a holiday some other day, on the 30th day of May every soldier past and present that fought and died has a flag put on his grave. That means something, it is a definite day. Now they propose to observe a different day every year.

I do not want to take too much time in this discussion, I could go through the Fourth of July and the others, but what I want to point out to you is that these national holidays are the greatest bulwark to our morale and our patriotism that has ever been invented by man. They are like steel girders that hold up the superstructure. At the present time those posts or landmarks are imbedded in solid rock. What do they propose to do; take them out of the rock and imbed them in sand, and how long do you think a superstructure is going to stand when it meets the winds of time if it is imbedded in sand? Has our morale become so low, has our patriotism become so weak, have we become so soft that we have to put our wishbone where our backbone ought to be, that we are going to remove these landmarks of history which mean so much to our Country and to our Flag? God give us wisdom to see the folly of this measure, and if the time ever comes when this measure becomes a law in this Country, let Maine at least come through with a clear conscience, and set an example of loyalty and patriotism that will last forever. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

Mr. SANFORD: Mr. Speaker and Members of the House: This is just for the folks that were not here two years ago. This becomes a personal affair to me. Unfortunately or fortunately I was told at least I was born May 30. Now I have celebrated my birthday on May 30th for 57 years and I certainly would like to continue celebrating my birthday on

May 30th for the next 57 years, and I agree with everything the gentleman from Portland, Mr. McGlaufflin, has said, and I do hope that the report "Ought not to pass" will prevail.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, Ladies and Gentlemen of the House: I wish to speak on just one phase of this bill. When the proponents of this bill appeared before the Judiciary Committee, of which I am a member, it did not take a very great length of time for me to reach the decision which resulted in my signing the "Ought not to pass" report. The advocates of the bill gave one reason for the proposed change. It was strictly money, money, and more money. It is their claim that Sunday and Monday holidays will result in greater profits for hotels, transportation busses, and so forth, which you must remember make up and represent only a small portion of our people.

Now ladies and gentlemen, I ask you to look at the bill. It is L. D. 1019, so I honestly ask you to look at that bill, you have got it in your record, take it before you and look at it. Look at Section 1 of the amendment, Section 3 of the amendment. Upon examination you will find a line drawn through the name "George Washington". Ladies and gentlemen, stop a minute — look at it, how does it make you feel? The proponents of this bill are trying to erase from the Statutes with a dollar bill the name of the Father of our Country, and I would not for ten times or ten thousand times all the money those people might make, remove the name of George Washington from our Maine Statutes for the sake of a dollar bill, upon which, incidentally, appears the likeness of George Washington. These people would remove from our calendars the annual reminder of our great American heritage. Let us remember the name of George Washington, our Nation's first President, who led our Revolutionary forces to the victories which gave birth to this Country. Let us remember and leave untouched the date of his birth, so that our children and our children's children

can see our Statute and on our calendars the annual reminder of our Nation's glorious history, so that future generations may know the glory of that day until time becomes eternity.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Edgar.

Mr. Edgar: Mr. Speaker and Ladies and Gentlemen of the House: I originally had no intent whatsoever to butt into the discussion of this bill. My own personal inclination was to be opposed to it, but because I come from an area which is I believe indisputably one of the most popular summer resort areas in this state, and whose very life blood is the tourist and vacation income, and which resort as a whole likes nothing better than, long week ends, with many more visitors and more money being spent in the stores and restaurants, and so forth, I rise to concur completely with the gentleman from Rumford, Mr. MacDonald, and the gentleman from Portland, Mr. McGlaufflin, because I am especially proud of the people whom I represent as far as this matter is concerned. I was at the hearing before the Judiciary Committee when this bill came up, and I remember listening to the proponents who, with the exception of Mr. Ross, the gentleman from Bath, based all their arguments on the dollar bill, and I remember turning to the man sitting next to me and saying "I am sure that would be the attitude that I would find in my district if I were to try to find the attitude". I have on several occasions done just that, I have made it a point to inquire in my district as to how the people who depend on this great vacation business for their year-round living feel about this, and because they to my amazement concurred with the way I feel about this, I am very proud to report that one of the largest recreational areas in this State is very much opposed to the changes proposed in this bill, and I therefore hope the motion of the gentleman from Bath, Mr. Ross, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Osborne.

Mr. OSBORNE: Mr. Speaker and Members of the House: I am glad the proponents of this bill have acknowledged that it was inspired mainly by mercenary machinations. I wonder why if we are going to let our sentiments become sediments, why it wouldn't be just as logical—I notice there are five holidays involved here, and if we are going to massacre and desecrate these holidays, why not pick out—most everybody is on a five-day week now except the farmers, and they are not looking for an eight-hour day, they are praying for an eight-hour night, why not pick out a week sometime in the year and throw them all together, they have lost their meaning. Might just as well, I think that would be considerate of the mercenary machinations and would do just as well as five lost week-ends.

I say that if we have any traditions, if we have any respect for our forebears, if we still retain some patriotic pride, we are going along with the majority of this Committee, and I certainly hope that the motion of the gentleman from Bath, Mr. Ross, that the minority report be accepted, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland. Mr. Charles.

Mr. CHARLES: Mr. Speaker and Members of the House: If I recall correctly, the gentleman from Bath, Mr. Ross, remarked that at this hearing there were members representing state retail and wholesale groups. I can say at this time that the State Retail Grocers Association was not represented at that meeting, neither was the State Wholesale Grocers Association, and because these records are being made permanent, I want to make the statement in order to have it clear and understood by all concerned.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Stilphen.

Mr. STILPHEN: Mr. Speaker: I may be out of order, but I would just like to say a word, to say to you that I did not go to South Portland High School, but after listening to the eloquence of that young man from South Portland who was an opponent to this bill, seeing his

display of courage in getting up before the Judiciary Committee which many of us fear, and talking against men with such eloquence as the gentleman from Bath, Mr. Ross, I say that I think that the young man should not be spoken of in any light manner. I think that he should be commended for his courage, and I think that many of us might have wished that we went to South Portland High School if that is what they are teaching.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, the eloquence that we have heard on the pros and cons this morning will probably never be equalled again on this floor, and as long as they do not lose the date of March 17, I move the question.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question now before the House is: Shall the main question be put now? That motion is debatable; each member may speak five minutes and no more on that question. Shall the main question be put now?

Thereupon, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. Ross, that the minority "Ought to pass" report of the Committee on Judiciary on Bill "An Act to Provide for the Observance of Legal Holidays," House Paper 911, Legislative Document 1019, be accepted.

The same gentleman has requested a division.

As many as are in favor of the acceptance of the minority "Ought



to pass" report will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Eleven having voted in the affirmative and one hundred having voted in the negative the motion did not prevail.

Thereupon, on motion of Mr. McGlauffin of Portland, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker: I certainly hold malice toward none, I personally think the bill was sound, but let me reiterate, to those of you who voted against it I certainly do respect your devotion to our legal holidays. Thank you.

The SPEAKER: If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Childs of Portland,

Adjourned until ten o'clock tomorrow morning.