

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 7, 1933

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

Prayer by the Rev. Mr. Herrick of Wayne.

Journal of the previous session read and approved.

The SPEAKER: The Chair recognizes, out of order, the gentleman from Newport, Mr. Soper, for the purpose of making an announcement of interest to the House.

Mr. SOPER: Mr. Speaker and members of the House: I wish to make the announcement that last night an emergency bank bill was drafted and submitted to the committee on Banks and Banking. This morning it was submitted to the Governor for his approval and is now being introduced in the Senate. It will soon be in the House and I hope the members will remain in session so that it may be enacted.

From the Senate: Bill an act to authorize the Treasurer and County Commissioners of York County to procure a loan and issue bonds of said county therefor, for the purpose of rebuilding the Court House. (S. P. 559)

Comes from the Senate received by unanimous consent and referred to the committee on Judiciary.

In the House received by unanimous consent, under suspension of the rules, and referred to the committee on Judiciary in concurrence.

From the Senate:

Final report of the committee on Commerce.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 486, L. D. 798: An act to grant a new charter to the city of Rockland.

S. P. 485, L. D. 792: An Act relating to bids for supplies to institutions.

S. P. 103, L. D. 211: An act relating to teachers' retirement.

S. P. 207, L. D. 395: An act relating to health certificates for teachers and janitors.

S. P. 208, L. D. 277: An act relative to the conveyance of pupils.

S. P. 216, L. D. 795: An act to confer additional rights and powers upon East Branch Improvement Company.

S. P. 164, L. D. 794: Resolve to repeal a resolve providing a State pension for Charles Brown.

S. P. 166, L. D. 793: Resolve to repeal a resolve providing for a State pension for Nellie Buck.

From the Senate: Bill an act relating to town meetings, S. P. 152, L. D. 168, which was recalled to the Senate from the files by Joint Order.

Comes from the Senate recommended to the committee on Judiciary.

In the House recommitted to the committee on Judiciary in concurrence.

From the Senate: Bill an act relative to State Highway in Highland Plantation, S. P. 356, which was recalled to the Senate by Joint Order from the committee on Ways and Bridges.

Comes from the Senate the bill withdrawn.

In the House unanimous consent given for the withdrawal of the bill in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game on bill an act relative to fishing in the Mousam River, S. P. 178, reporting a resolve under title of "Resolve extending open season on Mousam River" and that it ought to pass,

Comes from the Senate, report accepted and the resolve recommitted to the committee on Inland Fisheries and Game.

In the House, resolve recommitted to the committee on Inland Fisheries and Game in concurrence.

The following remonstrance and petitions were received and upon recommendations of the committee on reference of bills were referred to the following committees:

Taxation

Remonstrance of members of Aroostook Union Grange against advance in cost of Registration of Farm Trucks (H. P. No. 1528) (Presented by Mr. Bennett of Presque Isle)

Placed on File

Petition of R. H. Eastman and 11 others of Norway in favor of H. P. 1027 an Act for Bounty on Bears (H. P. No. 1529) (Presented by Mr. Russ of Woodstock)

Petition of Herbert E. Day and 10 others of Greenwood in favor of same (H. P. No. 1530) (Presented by same gentleman)

Orders

On motion by Mr. Carleton of Portland, it was

Ordered, that the Treasurer of State be, and hereby is, authorized and directed to pay the following: Brunswick Hospital, Brunswick, \$119.05; Knowlton & Hewins, Undertakers, Augusta, \$328; Earl R. Hayes, Augusta, for cash paid to nurse, \$43, in payment of hospital, nursing and burial expenses of H. Ralph Hayes, late Sergeant-at-arms of the House of Representatives, the same to be charged to legislative expense.

Mr. Bailey of Whitefield presented the following order and moved its passage:

Ordered, the Senate concurring that House Paper No. 387, resolve providing for a State pension for Fred E. Hilton of Pittston be recalled to the House from the files of the Secretary of Senate.

The order received passage and was sent up for concurrence.

On motion by Mr. Hills of Northport, it was ordered:

Whereas, on January 4, 1933, the House passed an order requesting the State Librarian to furnish each member one copy of the Revised Statutes of 1930;

Whereas, the said State Librarian has failed to comply with said order and the House members have been deprived of the Revised Statutes during the present session; Ordered, that the Secretary of State be directed forthwith to furnish the State Librarian with sufficient copies of the Revised Statutes of 1930 to enable him to comply with the provisions of the above mentioned order.

Reports of Committees

Mr. Bartlett from the Committee on Claims on Resolve in favor of Mary E. Rogers of Carmel (H. P. No. 1005) reported same in a new draft (H. P. No. 1519) under same

title and that it "Ought to pass."

Mr. Rounds from same Committee on Resolve in favor of Frederick A. Furbish of Mt. Vernon (H. P. No. 747) (L. D. No. 413) reported same in a new draft (H. P. No. 1520) under same title and that it "Ought to pass."

Mr. Cook from the Committee on Education on Bill "An Act relating to State Aid to Academies" (H. P. No. 760) (L. D. No. 378) reported same in a new draft (H. P. No. 1521) under same title and that it "Ought to pass."

Mr. Hescocock from the Committee on Inland Fisheries and Game on Bill "An Act relative to Dealers in Live Bait; License therefor" (H. P. No. 696) (L. D. No. 309) reported same in a new draft (H. P. No. 1522) under same title and that it "Ought to pass."

(On motion by Mr. Holden of Webster, tabled pending acceptance of the report, and the new draft ordered printed).

Mr. Burgess from Committee on Inland Fisheries and Game on Bill "An Act relating to the Open Season on Beaver and Muskrat; Transportation and Sale of Beaver Prohibited" (H. P. No. 721) (L. D. No. 329) reported same in a new draft (H. P. No. 1523) under same title and that it "Ought to pass."

Same gentleman from same Committee on Bill "An Act Closing Libby Brook in Fort Fairfield" (H. P. No. 376) (L. D. No. 215) reported a Resolve (H. P. No. 1526) under title of "Resolve regulating Fishing in Libby Brook in Fort Fairfield" and that it "Ought to pass."

Mr. Smith from same Committee on Bill "An Act Closing Pleasant Pond Stream" (H. P. No. 546) (L. D. No. 219) reported a Resolve (H. P. No. 1525) under title of "Resolve Closing Pleasant Pond Stream" and that it "Ought to pass."

Mr. Hescocock from same Committee on Bill "An Act Establishing a Game Sanctuary in Piscataquis and Somerset Counties" (H. P. No. 601) (L. D. No. 240) reported same in a new draft (H. P. No. 1524) under same title and that it "Ought to pass."

Mr. Bennett from the Committee on Public Health on Bill "An Act relating to Apothecaries and the Sale of Poisons" (H. P. No. 1063) (L. D. No. 451) reported same in a new draft (H. P. No. 1527) under same title and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Dow from the Committee on Claims reported "Ought to pass" on Resolve in favor of General Contracting Company, Inc. (H. P. No. 807).

Mr. Dow from the Committee on Pensions reported same on Resolve providing for an Increase in State Pension for William S. Smith of Alna (H. P. No. 904).

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Anna Foley of Lewiston (H. P. No. 907).

Mr. Bailey from same Committee reported same on Resolve providing for a State Pension for Archibald Mullen of Washington (H. P. No. 894).

Reports read and accepted and the Resolves ordered printed under the Joint Rules.

Mr. Lord from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Bounty on Bears" (H. P. No. 1027) (L. D. No. 461).

(Tabled by Mr. Sterling of Caratunk, pending acceptance of the report).

Mr. Sterling from the Committee on Inland Fisheries and Game reported ought to pass on Resolve regulating Fishing for Pickerel in Oxford and York Counties (H. P. No. 560) (L. D. No. 144).

Mr. Bussey from same Committee reported same on Bill "An Act to authorize the continuation of Rules and Regulations of the Commissioner of Inland Fisheries and Game" (H. P. No. 730) (L. D. No. 337).

Reports read and accepted and the Bills and Resolve having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once under suspension of the rules, and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. No. 1509) (L. D. No. 319)
An act regulating the use of out-board or inboard motors on Kennebec Stream in the county of Franklin.

(H. P. No. 1510) (L. D. No. 818)
An act validating the existing form of government of the city of Eastport.

(H. P. No. 1511) (L. D. No. 820)
An act imposing penalty for false

representations made to the Overseers of the Poor, and requiring information by treasurers of Deposit Companies.

(H. P. No. 1512) (L. D. No. 821)
An act relating to polling places in town of Sanford.

(H. P. No. 1514) (L. D. No. 822)
An act relating to stamping of registered boilers.

Passed to be Engrossed

(S. P. No. 231) (L. D. No. 770)
An act designating a certain road as "The Arnold Trail."

(S. P. No. 307) (L. D. No. 520)
An act to amend the law relating to savings banks investments.

(S. P. No. 364) (L. D. No. 609)
An act validating loans made by county of Hancock.

(H. P. No. 846) (L. D. No. 343)
An act relating to the foreclosure of chattel mortgages.

(H. P. No. 941) (L. D. No. 269)
An act to annex certain lands to the town of Otisfield.

(H. P. No. 1009) (L. D. No. 425)
An act to amend eminent domain statute.

(H. P. No. 1120) (L. D. No. 630)
An act to provide for the furnishing names of directors, clerk and schedule of property of corporations and in regard to disclosing the affairs of corporations.

(H. P. No. 1121) (L. D. No. 629)
An act concerning property exempt from attachment and execution.

(H. P. No. 1130) (L. D. No. 592)
An act relating to operation of steam pressure vessels.

(H. P. No. 1314) (L. D. No. 649)
An act relating to suspension of license or certificate of registration if judgment is unsatisfied.

(H. P. No. 1503) (L. D. No. 806)
An act relating to actions by or against executors and administrators.

(H. P. No. 1504) (L. D. No. 807)
An act relating to Boothbay Harbor Water Company.

(H. P. No. 1462) (L. D. No. 308)
Resolve regulating fishing in Worthley Pond in the town of Poland in the county of Androscoggin.

(H. P. No. 1501) (L. D. No. 809)
Resolve in favor of Daniel Mahar of Bangor.

(H. P. No. 1502) (L. D. No. 810)
Resolve in favor of Henry McGroty of Farmingdale.

Orders of the Day

Under orders of the day the Chair lays before the House the first matter tabled and specially assigned for today, majority and mi-

nority reports of the committee on Temperance, on resolve proposing the repeal of the Twenty-sixth Amendment to the Constitution, relating to the manufacture and sale of intoxicating liquors, H. P. 104, L. D. 56, majority report being ought not to pass, minority report being ought to pass, both reports having been tabled February 24 by the gentleman from Westbrook, Mr. Scates, and the Chair recognizes that gentleman.

Mr. SCATES: Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER: The gentleman has the floor.

Mr. SCATES: Mr. Speaker, the financial and economic crisis of this State and this nation is so severe that the President of the United States has asked or says that he probably will ask Congress to grant him dictatorial powers such as no man should receive except when the country is threatened with foreign invasion, and due to the fact that a bill is coming in here later considering the financial situation of the State which we must act on during this session today, I am going to make a motion that this matter which is before us now be tabled and specially assigned for next Friday, the 10th, and in respect to that I will ask for a yea and nay vote.

The SPEAKER: The motion is not debatable.

Mr. FARRIS of Augusta: Mr. Speaker, I ask also to be allowed to make a statement. You allowed the gentleman from Westbrook (Mr. Scates) to make a statement on the motion to table before he made the motion.

The SPEAKER: The gentleman from Augusta, Mr. Farris, asks unanimous consent to make a statement. Is there any objection? You may proceed.

Mr. FARRIS: Mr. Speaker, in view of the fact that this resolve and these two reports have been on the table for a long time, and in view of the fact that we had some trouble in getting a day for a special assignment of this proposition, because many of the Democratic members were going to Washington to attend the Inaugural, I believe at this time this matter should be disposed of, for the reason that we have other propositions coming along concerning the setting up of machinery for ratifica-

tion of the Twenty-first Amendment, which has been sent to this State from the United States Congress, leaving the right to this State to call a convention for ratification or rejection of the Twenty-first Amendment, which is, truly speaking, the repeal of the Eighteenth Amendment.

The SPEAKER: The Chair does not feel that members ought, under guise of making a statement, to argue the merits of this question. The matter of tabling is not debatable. While it is imperative that the bills prepared this morning for introduction to the Legislature by the Committee of Bankers that met with the Governor last night and this morning, the House and Senate have both arranged for the introduction of these measures, and they will take but very little time of the House. The pending motion is the motion of the gentleman from Westbrook, Mr. Scates, that the two reports of the committee on Temperance on this resolve be tabled and specially assigned for next Friday. The gentleman has asked for the yea and nay vote on this motion. Before a yea and nay vote can be taken on this or any other matter, the affirmative vote of one-fifth of the members present must be secured. All those in favor of the motion of the gentleman from Westbrook, Mr. Scates, that the resolve and accompanying reports lie on the table until next Friday will rise and stand in their places until counted and the monitors return the count.

A division of the House was had.

The SPEAKER: More than one-fifth of the members present having arisen, the yeas and nays are ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Scates, that this resolve and accompanying reports lie on the table and be specially assigned for next Friday. Is the question understood by everyone? Under a rule of the House no member is permitted to leave his seat during a roll call until the call has been completed and the result tabulated and announced. The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Bailey, Whitefield; Belanger, Berry, Berwick, Boyle, Breen, Burgess, Burns, Bushey, Carignan, Carswell, Carter, Drisko, Duquette, Forgue, Lewiston; Gagnon, Gallagher, Goodwin, Gray, Gross, Hamel, George; Hancock, Haskell, Hastings, Hickey, Hobbs, Knight, Lab-

bee, Lebel, Lindsey, Littlefield, Bluehill; Luce, Mace, Mason, Raymond; McKinney, Michaud, Morin, Nevers, O'Connor, Piper, Quine, Raymond, Rounds, Rush, Scates; Smith, Orono; Smith, Vinahaven; Stern, Thompson, Thurston, Valley, Viles, Ward, Harrison; Ward, Thorndike; Whitney, Whitten.

NAY — Bailey, Woolwich; Bartlett, Bennett, Blanchard, Bucknam, Bussey, Carleton, Chase, Baring; Chase, Limington; Chase, Sebec; Clement, Cobb, Collins, Cook, Crowell, Deering, Devereux, Dow, Livermore; Dow, Portland; Dunn, Eastman, Ellis, Farris, Fenlason, Fernald, Flanders, Fogg, Rockland; Fowles, Friend, Goudy, Graves, Haggett, Hall, Ham, Hanson, Hawkes, Hescocock, Hill, Hills, Holden, Hussey, Jones, Lancaster, Laughlin, Leathers, Lewis, Littlefield, Alfred; Lord, Mack, MacPherson, Martin, Mason, Mechanic Falls; Mayers, Norris, Oliver, Osgood, Peacock, Plouff, Plummer, Rea, Richardson, Russ, Ryder, Sanborn, Baldwin; Sanborn, Weld; Sargent, Shaw, Smith, Masardis; Soper, Sprague, Sterling, Stover, Thomas, Tillson, Tompkins, Bridgewater; Tompkins, Houlton; Tupper, Walker, Rockland; Walker, Rockport; Wallingford, Webber, Wentworth, Williams, Wright, Young.

ABSENT—Clarke, Eldridge, Hamel, Napoleon; Newcomb, Rand, White.

Yes, 59.

No, 85.

Absent, 6.

The SPEAKER: Fifty-nine having voted in the affirmative and 85 in the negative, there being six absentees, the motion does not prevail. The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, I move the acceptance of the minority report, and out of my respect for the gentleman from Portland, Mr. Dow, and also out of respect to his father, who is now in his 93rd year, and out of respect to his grandfather, who lived to be about ninety years of age, out of respect to these men, who all their lives were interested in this matter of prohibition, I yield to the gentleman from Portland, Mr. Dow.

Mr. DOW: Mr. Speaker, I want to thank Mr. Scates for his kind words and courtesy. I appreciate that very much. Any discussion of the liquor question usually results in a fight, no matter where it is, more or less elaborate. I might call this yea and nay vote an elaborate fight. The people have said that the liquor question, or the prohibition question, is a moral one and not political, but it so happens that

the prohibition question in this State and the liquor question all over the country is more or less a political question, usually more. We have just seen in this vote a sample of the political side of it. I do not quarrel with the vote of the Democratic members of the House, because they are merely following out the resolution of their party's state platform. Now the Republican platform is the reverse, not in words, but it implies as much. On the vote, I do not care personally whether a dry Democrat votes against his platform, but I hope a wet Republican won't vote against the Republican platform.

I will not take up very much time, because there are other speakers. At the present time this country is facing a great crisis, and as one distinguished gentleman recently said "The question before the country is 'Shall there be banks or bar rooms?'" We are making a great effort to save the banks. Some people are making a great effort to bring back the bar rooms. They do not say so, but there is indication in some states that efforts are being made to bring back the bar rooms.

Now with the Eighteenth Amendment in the air, as it were, it seems to me the discussion of the repeal question in Maine is purely academic. There are many people who believe sincerely that there is some better method than prohibition, and this perhaps is the first step. But behind it all, trying to break down any restrictive laws on the sale of liquor, is what we might call the organized liquor traffic.

Now I do not question the sincerity of those who believe, as I said before, that that would be a better way of controlling the sale and use of liquor, but I think this,—that under present circumstances we should not take our time to discuss the liquor question. It may be some time yet before the Eighteenth Amendment is repealed, if it is ever repealed, and until that Amendment is repealed I do not think we in Maine, who have gotten along very well under prohibition, should take time to consider that question. There is plenty of time. But I can see where those who are opposing prohibition, those who are following the Democratic party platform want to take the first step to get this out of the Constitution. The next step will be an attack on our liquor statutes, and when that

time comes we do not know what will happen, but I think in the course of time people will settle down to a sane and careful study of the question.

We know that many people are carried away with the idea of a change. They lay the troubles of this country to prohibition. Anything that goes wrong is laid to prohibition. Careful thought ought to cause people to believe that that is not so. Now they are making the first step. There is nothing proposed yet for this State to take place of the present prohibition law. We are asked to swap horses, this being the first talk of the new trade. We are asked to swap horses. Now our prohibition horse is standing on the bank where everyone can see him. The other horse, the wet horse, is in the stream of water up to his flanks, and we cannot see his tracks, his spavins or windgalls, or anything else.

I won't take up any more of your time, as there are other gentlemen who want to speak who can speak better than I can. I hope the motion of the gentleman from Westbrook (Mr. Scates) will not prevail.

Mr. PIPER of Bangor: Mr. Speaker, this is a proposition to submit to the people of the State of Maine the privilege and the opportunity to say whether they shall amend their State Constitution or not. The Constitution of the State of Maine belongs to the people of Maine; it does not belong to us here any more than it belongs to the folks at home.

We have been under a prohibitory program in this State for a great many years. The Constitution of Maine was amended way back in 1883, just fifty years ago, putting into it the prohibitory amendment. People who lived in those days are dead and gone years ago. We have in the State a new lot of people, men and women of mature age, with their sons and their daughters eligible to vote.

This is not the time for me to discuss the merits or the demerits of prohibition. The only question I am to consider is this: Am I willing to submit to the people of the State of Maine the opportunity to decide for themselves whether they wish to eliminate from the State Constitution the Twenty-sixth Amendment, or whether they want to keep it there. I am perfectly willing to trust it into their hands, I am perfectly willing for

them to take care of it, I believe they will take care of it right. I believe that the government rests with the people.

Now I do not believe that it is necessary for me to go any further. I believe that the man or the woman in this House who votes against this proposal to submit this Amendment to the people of the State of Maine denies the people of the State of Maine the opportunity to vote upon it. Are they afraid of what will take place? Are they scared to let the people of Maine vote upon the Constitutional Amendment, the Twenty-sixth Amendment? Are they afraid of that? I am not. I fear no such question as that. I hope that the motion of Mr. Scates, the gentleman from Westbrook, will prevail, and I sincerely trust that there are men and women in this House who are big enough to express their confidence in the will of the people.

My record is consistent. We had a proposition here on the September election. We discussed the merits of the September election, and the abolishment of it. That was not the question before the House. The question was "Should we submit to the people of Maine the opportunity to say whether they should continue the September election or discontinue it." I voted for that. I voted to refer the question of local government to the town of Winslow, to the people of Winslow, because I believed the people of Winslow were competent to say whether they wanted it or not. The same with the town of Brunswick. And now I am willing to submit the Twenty-sixth Amendment or any other question to the people of the State of Maine for their decision.

We have in this House, in this Legislature at the present time, two very important laws brought here under the initiative, backed by twelve thousand signatures. You cannot deny those issues going to the people. They will go to the people whether we enact them or whether we refuse to enact them. The people of the State of Maine, in the last fifty years, under the privilege of initiative and referendum, a part of our Constitution, have proved time and time again that they are perfectly competent to go to the polls and through the ballot decide questions of public issue. They are just as competent to decide this question, and I chal-

lence you to say that they are not.

Now let us have the decision upon the issue not wet nor dry, but shall the people of the State of Maine be given the opportunity to say for themselves whether they shall amend their Constitution or not. Even if they do amend it, and take the Twenty-sixth Amendment out, every statute law we have on the books at the present time will be in force, and will be in force until they are changed by the Legislature or the people of the State of Maine.

Mr. TOMPKINS of Bridgewater: Mr. Speaker and members of the House: I first want to lift my hat to the gentleman from Westbrook, Mr. Scates, as a very smooth gentleman and a chief buck-passers. I did intend to talk a long time on this, but I am not going to for various reasons. There are other gentlemen here, and ladies too, who want to speak on this, and another reason is that this is the first time I have been out for four days on account of a bad cold, and I do not feel like talking very much.

In the first place I want every one within the sound of my voice to know my stand. My attitude on this matter is this, that whatever I may say or whatever I may do, I do not consider absolutely correct, and whatever attitude the other people in this House may take on this question I do not consider absolutely wrong, because there are people all through this State who differ with me on the prohibition question and yet I am very glad to number them my friends. But the one thing I do wish understood is that my attitude and my stand is absolutely honest and sincere, and the way that I talk here this morning is the way I talk and vote and live, as I travel among my friends and neighbors all up and down that great northern empire we call Arcostook County, Maine.

Now there is more than one question in connection with this thing this morning. A gentleman speaking for this bill a few weeks ago stated that three men elected from the State of Maine and holding the highest offices within the gift of the voters of this State came out for repeal of our liquor laws, and that same gentleman, speaking for this bill, also said that any member of this Legislature who will not vote to put this Twenty-sixth Amendment up to the people of the State of Maine never need expect to come back to any future

Legislature of the State of Maine. If that be the case, ladies and gentleman, my political career ceases right here, because I voted against this in the committee, and I am going to vote against it again.

Now I think that the real object of the proponents of this bill, or at least the real object of this bill, is to bring back the saloon in some form. There is no other question that can be decided but that. Now then, who is it that wants this Twenty-sixth Amendment repealed? First, back of the whole thing, is the group who want to get back into the liquor business, and another group who want the Twenty-sixth Amendment repealed are the few millionaires who want to shift the burden of taxation from their shoulders to the shoulders of the working man.

Now there is no greater puzzle to me in this country today than the man or woman who will stand up and say "I do not believe in our prohibitory laws, I want them repealed, but I do not want the saloon back." To me that is a puzzle. Gentlemen, if you are for prohibition, you are against the saloon, and if you are against prohibition, you are for the saloon. There is no other way, I do not care who it is that tells me there is, whether it is a man in the highest political office in the United States or whether it is the man with the pick and shovel. You cannot repeal, change or modify our liquor laws in any way, shape or manner and not bring back the saloon in some form. I do not believe it can be done.

This winter young men have come to me, young men who have never seen a saloon, young men who for the first time have voted, and they pointed their fingers to men in high political office who come out for the repeal of our liquor laws, and say that they never drank. These young men do not understand why, if those men in high office never drank and do not have any interest in any saloon or brewery in this country or any other country, do not have any interest in any brewery or their relatives do not have any interest, why it is that they want to repeal our liquor laws and in some shape or other bring back the saloon and sell beer, wine or stronger liquor, get our young people drunk, send them to jail and finally send them to Hell.

Now the first week when we came to this Legislature we took a sol-

emn oath. That oath was that we would defend and protect the State and Country and the Constitution and flag of our State and Nation. Ladies and gentlemen, if I came to this Legislature with my mind made up to take out the Twenty-sixth Amendment of the State without anything to put in its place, I never would have taken that oath, and, so far as I know, every one of us took it.

Now someone has said that this does not repeal. Our vote for the minority report here this morning does repeal this insofar as we as members of this Legislature are concerned. The question, of course, will be put up to the people, but that is only for them to say whether they will approve or disapprove of our action, nothing else.

The liquor traffic is in too much of a hurry; they are putting the cart before the horse; they are trying to repeal our State laws before we dispose of our national laws. I would like to ask the question of any man or woman whether you will repeal the Twenty-sixth Amendment with nothing to put in its place, when you know it will bring back the saloon in some form or other? I challenge you to show me where the liquor traffic in this State or any other has ever made one constructive contribution to our State. You cannot do it. I challenge any man to do it. I challenge any man to show me where the liquor traffic ever made bad men into good men. You cannot do it. We can all show you where the liquor traffic in any form makes good men into bad men. There is nothing constructive about it. It is all destructive. There is no middle ground. It is either our Eighteenth Amendment to the National Constitution and the Twenty-sixth Amendment to the State Constitution or it is the saloon.

Last month we observed the birthdays of two of the greatest men this country ever produced, yes, two of the greatest men the world ever produced, Washington and Lincoln. It was Washington more than any other man who gave us the Constitution of the United States. He gave it to us, to keep every part of it, but there are a lot of people who seem to think they can clip a tail or two off the Constitution and that the Twenty-sixth Amendment is some kind of an ani-

mal with fifty-two tails, and that you can clip off a tail and still have a good working instrument, but you can't do it. They say we can educate our people into temperance. The liquor traffic talks that and says that until they get the legislation they want, and that is all there is to it as far as they are concerned.

Now it has been brought up in my hearing, and in the hearing on this bill, that the high schools and colleges, the students in high schools and scholars of every kind are becoming drunkards. That is not so. This is simply a wet scream for the wets. We have in our Temperance Committee letters from the presidents of colleges and principals of high schools all over this State saying that the Twenty-sixth Amendment, as it now is, is what they want and is what the young people want. I can show you those letters if you want to see them.

It has been said that you cannot enforce the Twenty-sixth Amendment. Do you know what that means? It means the highbrows of the liquor traffic, home-brew salesmen, and liquor dealers all over this land are greater than the government of the State of Maine, are greater than the old flag. So far as I know, men and women, that old flag never took a backward step, and God help us in this country if it ever does.

Who is it who is saying to us that we cannot enforce the Twenty-sixth Amendment? Ninety per cent of the people who do not want it enforced are doing everything in the world they can to keep it from being enforced. This is not the place for us to pass the buck. I have heard it said in the corridors of this Hall "I am not going to take this responsibility upon myself, I am going to pass the buck to the people back home." The best example of passing the buck or passing responsibility to someone else was when old man Pilate said "I am going to wash my hands of this thing." I trust the people here know of whom I am speaking when I say Pilate.

I am not going to liberate the biggest enemy there is in the country today and do injustice to the best friend of this country. Men and women, let us not, like old Pilate, turn loose the biggest enemy in the country today, the liquor traffic.

I have letters and petitions from

every section of the State asking us to report against this bill. I am going to do it and I will tell you why in a few words: Because the Democratic State Convention did not ask for repeal of this amendment; the Republican State Convention did not ask for a repeal of this amendment; the general public are not asking for repeal; the schools and colleges are not asking for it; business men are not asking for the repeal of this amendment; the farmers are not asking for it; the insurance men are not asking for it, and the State Grange is not asking for it. I was present at the annual State Grange when it was voted 400 to 1 to retain the Twenty-sixth Amendment, and I see no petition from the mothers of the State of Maine asking us to take the Twenty-sixth Amendment from them. Ladies and gentlemen, I believe this bill should not pass, and I hope the motion of the gentleman from Westbrook, Mr. Scates, does not prevail.

Miss LAUGHLIN of Portland: Members of the House: There are two questions presented to us by this bill, not one, as stated by the gentleman from Bangor, Mr. Piper, there are two; one which has to do with the merits of the Twenty-sixth Amendment, and one which has to do with the question of submitting it to a vote at this time. If you will read the bill, No. 56, the first sentence states "Resolved, that the Twenty-sixth Amendment to the Constitution is hereby repealed." Then there follows the question of submitting it to the people to see if they will ratify the action of this Legislature.

We keep talking about submission. We are talking on whether the Legislature will repeal it and then put it up to the people to see whether they will ratify it. Of course it is natural we should hear emphasized "Let it go to the people; submit it to the people," because that has rather specious sound.

The gentleman from Bangor (Mr. Piper) said he would be willing to submit any bill. We have had about a thousand of them here. If his position is correct, then all this Legislature exists for is for every member of the hundred and eighty-four to stick in a bill and then refer it to the people, because his arguments are just as good for any other bill as for this, and, as I said, any member of the hundred and eighty-

four can stick in any bill and refer it to the people and get up and make the same specious argument. The whole system of our government is against that. I might introduce an amendment to the constitution abolishing trial by jury, and stick on to it an amendment to submit it to the people, and make the same argument, or we might have a bill here, as was suggested in a speech the other day, to abolish the Senate of this Legislature. I might introduce that and say "Submit it to the people" and make exactly the same argument, or I might introduce a bill to repeal every law, laws against stealing, any of them, and say submit them to the people, and I might make the same argument. I have seen signs "Repeal the Eighteenth Amendment and stop crime." If we repeal the Eighteenth Amendment, the sale, manufacture and transportation of alcoholic liquors will no longer be crime. If we repeal every law that prohibits, we will not have any crime, and that is all that this means.

So, as I said, that same argument might apply to any bill. We had it about Islesboro. We voted that down. We do not believe in that specious talk that everything should be submitted to the people, otherwise, as I said, we would not exist at all. The gentleman from Bangor (Mr. Piper) referred to the two bills on the initiative this morning and said they were going to the people. And why? Because they came here with more than twelve thousand certified names asking it. That is why, not because we sit up here and say "Send every bill to the people." These were certified names, not every Tom, Dick and Harry, whether a voter, a minor or an alien. Our State Constitution provides the only way where they want to initiate a bill is this way. It did not even give to the people the right to initiate an amendment to the Constitution because it considered that of so much more importance and of so much more solemn consideration that it did not even put it into our initiative bill.

Now personally I believe we should have the right to initiate amendments to our Constitution, but it would not be on just the say-so of one member who introduced a bill to that effect, and it certainly would not be on any less principle

than for the initiation of the law. I do not know any State, even the most radical, that will submit an amendment to the Constitution on less than ten per cent of the total vote. Personally, I think it should be more, fifteen per cent at any rate, since we require this amount for a law. We have not any such evidence before us, we have not any credited petitions. Even by going out to the byways and hedges and getting anybody to put their name down, they could get only about nine thousand names, when there are twice that many on the other side. That would indicate the attitude of the people, when, if we are going to give the right, we would require at least thirty to thirty-five thousand names, and require them to be certified by the town and county clerks. It is absolutely unsound. So far as we have evidence of the desire of the people, we may find it in the make-up of this House. It is true that the Twenty-sixth Amendment of the State Constitution was not an issue in the campaign in either platform, Democratic or Republican, but the Republican platform did stand absolutely against—I have it here—any weakening of the law supporting the Eighteenth Amendment. Certainly to take any step which would mean repeal of this Amendment would be a weakening contrary not only to the spirit but the words of the Republican platform.

What was the result when the people voted? We can see it in the membership so far as we have any evidence. We have three times as many Republicans as Democrats in the Senate. We have almost fifty per cent more Republicans than Democrats in this House. Therefore, so far as these people spoke in the last election, they spoke against any weakening of the Eighteenth Amendment, and therefore against any submission or weakening of our State Amendment.

Now, as I said, there is another side to it, because this is for repeal, not mere submission, and therefore some of the questions of the merits or demerits of the amendment are pertinent. It has been recognized that the liquor traffic with all its attendant evils is the greatest evil in all history, so recognized from Solomon down. If I wanted to take the time, which I am not going to do, I could read you articles showing that it is the greatest evil, the

cause of more crime, misery, political corruption, than anything else. I know what I am talking about when I say crime. I sat for years upon the pardon board of one of the States of the Union, and talked with prisoners, and found at least eighty per cent, when they came to me for parole, would say, "You know I had a drink that day," and that was long before the Eighteenth Amendment. Read "The Shame of Cities" by Lincoln Steffens. Read Smedley Butler's report on the conditions in Philadelphia and find out how crime has its headquarters in the saloon.

We talk about gangsters today as if they were something new. Gangsters today have been deprived of their law-protected headquarters, the saloon. The law protected them before, and the gangsters were there, under legal protection. That is why we see them a little more plainly today. I think any person of any judgment or character will agree it is a tremendous evil. The question is "How shall we deal with it?" That is what we have before us. I think we will all agree that if we could blot it out, it would be the greatest of blessings. But they say we cannot, so we have to consider the best way to deal with it. Some will say there is more drunkenness today than there was before prohibition. If anyone says that, believing it, he certainly has taken leave of every vestige of reason he has, and his statement is an insult to the intelligence of everybody else. If that is so, it must apply to other things. If that is so, that the way to get more drunkenness is absolutely to forbid it, then it must be so in regard to other things. If we repeal the law against murder, we will have less murder. We know how idiotic that is. It is not possible that every rule of reason is reversed when we come to consider dealing with the liquor traffic. I could give you some figures, but I am not going to. Reasons should be sufficient on it.

Of course persons who are opposed to blotting out the greatest evil of all history have seized upon the depression to create a prejudice, as a drowning man clutches at a straw, and that is a good illustration because it is of no more value than a straw—what they say. We are, as has been stated here, at a terrible crisis. It seems to me a thing

fraught with great evil that at such a crisis we should be spending so much time calling for beer and whiskey and taking so much time to discuss the lusts of the flesh when we are at a crisis such as we have not had since the Civil War. The nation itself is hanging in the balance.

As Judge Pattangall said in an address the other day, "It is a poor time to close the banks and open the saloons." It certainly is not a good time to meddle with this thing. They talk about prohibition causing depression. Look at other countries. It makes any depression we have here nonsense. If this country paid anything like the taxes levied on the people of Great Britain, we would have balanced the budget of the nation and had far more in the way of surplus.

Because we have unemployment they talk about putting two million men at work. I have figures from the Department of Commerce showing how many men ever were engaged in the liquor traffic, and if we cut out the saloon, there were only about ninety thousand of them engaged in the breweries and distilleries. If we include the saloon, it comes to less than half a million. Practically all of those were absorbed in other industries before this depression came upon us, and other economic causes.

They talk about balancing the budget by raising revenue. Why, even if the bill passed, if the amendment was repealed, and they established beer, it would require that every man, woman, child, and nursing baby drink forty quarts a year to raise the amount of revenue they are talking about. At the best estimate it would raise a hundred and twenty-five millions for the national government, which would be but a drop in the bucket. Now who would pay it? Of course, first, the drinkers of beer and whiskey and other alcoholic liquors. They would be the direct payers. The great mass of the people would pay indirectly. For the purpose of reducing and getting rid of the income tax—if we are to believe the Association Against the Eighteenth Amendment—I have their report right in my hand—of the hearing before the committee where the officers of that organization in which they quote from literature showing letters that went out to the mil-

lionaires, saying if they could get this revenue, their income tax would not be so big. We have Mr. Irene Dupont's statement, his corporation was paying a ten million dollar income tax. That is why they want to get rid of our prohibition laws. We find the money that has been put up to spread this propaganda and misrepresentation came, over fifty per cent of it, from eleven multi-millionaires of this country, over seventy-five per cent of it from fifty-three. So, first, the mass of the people pay for it, so that the men of large incomes shall not have to pay an income tax. That is only directly. Indirectly their families and wives and children pay for it, and, furthermore, all other industry will pay for it because the money diverted to buy beer and alcoholic liquor will be diverted from other industries.

I remember while in Denver, the year after the dry amendment was carried in Colorado, of seeing a store on a corner which at some time had been a saloon with a sign in the window "We sell shoes instead of booze." That is what happened everywhere. I could give you the figures from the Department of Commerce showing how the sales of milk have increased beyond all belief since the passage of the Eighteenth Amendment, more than a billion gallons in five years, eight times as fast as it increased in the five years before the Eighteenth Amendment; so it was not just due to increase in population. Butter has increased four hundred and fifty million pounds per year in five years, and the same as to grain. It has been figured out as to the tremendous amount of grain that would go to make liquor; so it is not surprising that the State and National Grange have gone against it not only from moral reasons but from purely economic business reasons. It would be the worse thing that could happen to the farming industry.

When they were trying to defeat the Eighteenth Amendment, Mr. Pabst, the big brewer, speaking against it said "The grain used is a very little, less than three-quarters of one per cent, less than seven one-hundredths of one per cent of agricultural land for all grain used in breweries, and in its place we have the increase in milk, in butter and other things.

Some reference was made here to

the young drinking. I could read from a file I have here, and if I read it you probably would think it was today, in which the statement was made that the druggists were held up and they asked that their licenses should be revoked on evidence that they had been selling liquor to little girls. You might believe that was today, but that was from a paper published in 1908. Jane Addams, in her Hull House Report of the beer halls and dance halls in her neighborhood said they were patronized by boys between sixteen and eighteen years of age and by girls between fourteen and sixteen, and that by midnight they were practically all drunk. That was in 1913, before we had the Eighteenth Amendment. Then we have the complaint from England today of the increase of drinking among the young and they have no prohibition in England and very few restrictions. So you have to face the fact that has very little, if anything, to do with the situation.

I remember when I was in law school that at every class dinner which they had once a year, it was a drunken orgy, so no woman went, and no decent man went. They do not have them now at that university.

So there are some concrete facts as to whether there is more or less drinking now than formerly. We hear about speakeasies, but everybody knows that there were far more blind tigers before we ever had prohibition than there are today. Reason will tell you that. When a thing is forbidden, and you see a drunken man, you know he got it in a place where it is sold unlawfully, but when you see a drunken man, with no restriction on the saloon, you assume he got it in a legal place.

In 1915, in the city of San Francisco, at the time of the Exposition there, and that was a day when we had over three thousand saloons in San Francisco, when every grocery store sold bottled goods, the saloon keepers of San Francisco made a complaint to the officials, saying there were fifteen hundred blind tigers in San Francisco not paying a license fee, competing with them and that they wanted them closed. So we had more than there have been since prohibition, and the license fee in San Francisco was very low.

I have lived out of this State,

as I said before, half my life and I know the kind of things that were said about Maine at that time. I remember in Denver, in the Rocky Mountain News, at the time of the Eighteenth Amendment, of seeing pictures showing open saloons in Portland, Maine, and there was not even a street by the names they published. There was not a building that existed in Portland that they published in their paper except one and that place had been closed. I sent right back to my brother in Portland, so there might be no question about it, and that was his report; so I know the false statements that are put out and I cannot help thinking, when I read these statements, knowing them as false, about the woman they tell about who said to her husband "Is it better to lie on the right side or on the left side?" He said "My dear, when you are on the right side it generally is not necessary to lie at all." So when we examine these things we see the untruthful statements.

We heard something about the Canadian system. No doubt all of you heard Mr. Spence, and you know what a failure it has been. Any of you who have visited Canada for weeks, as I have done, and have not just been over long enough to get a drink, know how that has worked. I have the figures from Canada showing that while in five years the population increased only seven per cent, the manufacture of spirits increased over two hundred per cent and the convictions for drunkenness increased over fifty per cent. That is all the Canadian system means. They bootleg there just the same as they do here. This is a traffic, I will not call it a business, because you know whenever there has come a calamity to any place, an earthquake, a fire, or a famine, the first cry has been to close the saloons because they couldn't stand the calamity with the saloons open at the same time. That was the first thing done after the San Francisco earthquake. They closed the saloons. I say they have broken every law and every restriction.

Back in 1792, when we put on a revenue tax, which has now become so sacred, we had an armed rebellion, and if you will read the history, it was called the Whiskey Rebellion and was put down by George Washington. There has never been a regulation they have

not broken; there has never been a regulation against selling to minors that was not broken; there never has been a regulation of any kind that was not broken, no matter what the restriction was. After all, we have just two choices. I do not think anybody can justify it. Whether we have prohibition or low license, they break the law, because a large number of them are professional violators of law and criminals, who endanger our country, and while there are undoubtedly some who are sincere in their belief, they are in mighty bad company.

They say this great government cannot enforce the law. If this government cannot enforce the law, or an amendment adopted in a legal way, then we have no government; it is anarchy. If we cannot enforce one law, we cannot enforce any law. Whenever we get a minority of law violators who do not intend to recognize any law, I say, it is just as Washington said at the time of the Whiskey Rebellion, when a minority can go out and oppose the law, there is no security of life or property and we go back to anarchy.

It seems that we have reached the parting of the ways. It is Armageddon and we have to choose on what side we stand. We have had clamor about submitting it. It is like the boy who came to the hotel and wanted to sell frogs' legs. He agreed to deliver one hundred a day. He said there were a million in the swamp. He appeared two or three days after with four legs; he said that was all he could get, but they made so much noise he thought there were a million.

Now, as I have said, we are at the parting of the ways in this State. As Lowell says, "To every man and nation comes a moment to decide betwixt the truth and falsehood, for the good or evil side." This is our moment here in this Legislature to decide on which side we stand, whether with the violators of law, with those who are responsible for dastardly crime, with the gangsters who have their headquarters in the saloon and the criminals who frequent them, or whether we will stand for the ideals upon which this nation was founded. I hope we will defeat this motion by an overwhelming majority and take our stand with the forces of law and order. God save the State of Maine! (Applause).

The SPEAKER: Before recognizing any more speakers on this important matter, the Chair, with the unanimous consent of the House, will take up out of order the following paper from the Senate:

Bill "An Act authorizing the Governor to Proclaim a Banking Emergency and Providing for the Further Protection of Depositors in Banks and Banking Institutions and maintenance of the Banking Structure of the State" (S. P. No. 567).

Comes from the Senate received under suspension of the rules, given its several readings and passed to be engrossed without reference to a committee.

In the House:

The SPEAKER: This is an emergency banking measure that has been prepared after careful consideration by representatives of the banking interests of the State, working in conjunction with the Bank Commissioner's office and His Excellency, the Governor.

The Chair understands that the gentleman from Newport, Mr. Soper, moves that the rules be suspended and that this bill, without reference to a committee be given its three several readings at this time.

The motion prevailed and the bill had its three several readings, under suspension of the rules.

At the request of Mr. Farris of Augusta, the bill was read by the Clerk.

On motion by Mr. Blanchard of Wilton, the bill was passed to be engrossed in concurrence.

(House at ease).

Upon the House being called to order, the bill was taken up out of order on its passage to be enacted, as follows:

(Emergency Measure)

S. P. 567: An act authorizing the Governor to proclaim a banking emergency and providing for the further protection of depositors in banks and banking institutions and maintenance of the banking structure of the State.

The SPEAKER: This bill is an emergency measure and requires the affirmative vote of two-thirds of the elected membership of the House. All those in favor of the motion of the gentleman from Newport, Mr. Soper, that this bill be now passed to be enacted will rise and stand in their places un-

til counted and the monitors will make and return the count.

A division being had,

One hundred and forty-two voting in the affirmative and none in the negative, that number being more than two-thirds of the elected membership of the House, the bill was passed to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr Soper, to present an order, out of order. The Clerk will read the order.

Ordered, that there be printed in document form, 2000 copies of Senate Paper No. 567, bill an act authorizing the Governor to proclaim a banking emergency and providing for the further protection of depositors in banks and banking institutions and maintenance of the banking structure of the State.

The order received passage.

The SPEAKER: Proceeding with the matter with which we were engaged, the Chair recognizes the gentleman from Van Buren, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, ladies and gentlemen of the House: I rise to speak in favor of the motion of the gentleman from Westbrook (Mr. Scates). Though I cannot pretend to add anything new to the question under discussion, I beg leave of the House to make a few remarks because I have the problem very much at heart.

At the hearing held in this House some time ago on this question, the opponents of the bill came up in a fighting mood and presented a fine front but, I am afraid, a good many flimsy arguments. I wish to say at the outset that I do not doubt the sincerity of the opponents of the bill but I want to add that we are just as sincere in our own stand in the matter. They tell us that there is no demand for repeal. I ask them then how it is that the people of the State endorsed a platform, the particular plank of which was this one of re-submission? If there is no demand for repeal, at least there is a demand for re-submission. They tell us that the people of Maine do not want repeal. We will not be satisfied with that answer until we get it directly from the people of Maine themselves. If it is so that the people do not fall for it, why is it that the opponents of the bill put up such a fight and are afraid to let

it go to the people? Much money has been expended in the propaganda to prevent this legislation, and those of you who attended the hearing know how much emotional appeal was used to impress the committee. We are willing to believe in their sincerity, and, unlike the gentleman from Bridgewater (Mr. Tompkins) I mean that when I say that we are sincere. The gentleman refers to us as being sincere and says that he does not doubt it, but on the statement on top of that he charges us with certain motives which are absolutely irreconcilable with sincerity.

The opponents of the bill, I believe, do not understand the question in the full light of the facts, mostly because they keep away from the actual conditions as much as they can. The situation has been very much misconstrued in their arguments by the fact that while they talk of "saloon" and "repeal" they keep returning to the "saloon." We do not want the saloon any more than they do but we are aware of the fact that a worse evil has replaced the saloon and they all know that. The member from Portland (Miss Laughlin) has referred to the absence of drinking and so forth at banquets, I think that I have attended just as fine banquets as she has, and I am still looking for the banquet or the social function where liquor is totally lacking. She asserts that Washington gave us the Constitution, but Washington did not give us with the Constitution the Eighteenth Amendment or the Twenty-sixth. A gentleman has just reminded me of a fact which is on record that Washington is known to have once exchanged a pair of oxen for a barrel of rum.

What about the opinion of eminent educators such as Nicholas Murray Butler and others? What about the opinion of so many judges, such as Judge John Peters and others, who are in a position to say just what the conditions are and what they ought to be? What about the opinion of John B. Rockefeller, Junior, and the Wickersham Report? What about the action of our Congress? I have here a list of many of the most prominent social workers, heads of reformatories, and other institutions, all of whom have recently expressed their opinions on the question and all of whom are opposed to prohibition as it is now. Most

of these educators and prominent persons were once advocates of the Eighteenth Amendment, and along with that naturally of our Twenty-sixth Amendment. They are without exception still strong champions of temperance and in hearty sympathy with what the ardent "drys" expected to bring about. Some of them are teetotalers. But they are convinced by the actual results of the experiment that there must be a change to some better system. On the other hand it is a significant fact that, although prohibition has been and is being more than ever abandoned by thousands of sincere believers in temperance, there has not come to light publicly a single case of a prominent anti-prohibitionist who has been won over by the noble experiment. This has been branded as a Democratic measure. It is Democratic in more than one sense. The measure is Democratic in that it proposes to give the people, the Democracy, a chance to say whether or not they want to amend.

We have got to pass this legislation particularly in behalf of the younger voters of this State. The younger voters are persistently ignored on this issue, and as the gentleman from Bangor (Mr. Piper) has told us the men and women between twenty-one and forty have never had an opportunity to vote on this matter. They have been to school and college under prohibition, they have started their careers under prohibition and they have seen its evils and they do not wish to be held down any longer but wish to have a say in the matter. We have got to pass this legislation also in behalf of the thousands of citizens who have become convinced of the futility of any further faith in prohibition and who are sickened by the evils that it has brought about.

The member from Portland (Miss Laughlin) states that she is opposed to the weakening of this Amendment. I did not think that the law could be weakened any further than it is now. We find that the records show that thousands are convicted of criminal offenses on minor alcoholic charges. The records show that the alcoholic death rate in Maine from twenty-one to twenty-nine has gone up from two per cent to three per cent. The records of the State Police show that the arrests for drunken driving stand second in percentage among all the arrests.

We still have with us the liquor evil and prohibition continues to be a failure. We have a liquor traffic, we have a two-way liquor traffic, with plenty of good stuff coming into the State from Canada and plenty of bad stuff coming out of any city or town of the State, not exempting the Capital City. The population of the jails has nearly doubled in the last twelve years of the reign of prohibition and there is involved the cost of maintenance in those jails which has doubled along with it.

In response to the statement that there is no demand, I would like to call attention to the Literary Digest poll of 1930, as well as the poll of 1932, where Maine voted in 1930 for enforcement over 13,000, for modification, 8,000 and for repeal, 11,500. In 1932, for retaining the Amendment, 10,800, and for repeal 24,790.

The conditions under which we are living now in respect to prohibition are making this particular law a useless one, thereby weakening the purpose of all laws. For several decades we have tried to keep down the evil of liquor and we have failed. It comes up both under cover and in the open. We wish to try to bring it out now completely into the open and bring it under control.

I repeat that I am just as sincere in my belief as are the opponents of the bill and I defy any of them to refer to any of my statements as untrue. I join, in closing, with the member from Portland (Miss Laughlin) in her fervent prayer that God will save the State of Maine. (Applause)

Mr. TUPPER of Calais: Mr. Speaker, I move the previous question.

Mr. SCATES of Westbrook: Mr. Speaker, I do not think it is hardly fair to me to move the previous question at this time because I have something that I would like to say.

(Unanimous consent was given Mr. Tupper of Calais to withdraw his motion).

Mr. THOMPSON of Belfast: Mr. Speaker, I yield the floor to the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, why these vacant seats around here!

In the early part of the session they seemed to be full. The member from Portland (Miss Laughlin) has said that we might just as well pass a resolution and submit it to the people calling for the abolition of

the Senate. Well, that would not be a bad idea and I would include in that every member of the Governor's Council.

We have just passed, without any consideration, whatever, perhaps the most important legislation that this House and this Legislature ever passed, and that without a single speech or any consideration whatsoever, giving the Governor and the Bank Commissioner absolute and dictatorial powers over every dollar that is invested in the banks of this State; and yet in view of that we stand here on what to my mind is this most important question, and, like Nero of old, fiddle on prohibition while Rome is burning.

Now I am not going to take but a very little of your time for the member from Portland (Miss) Laughlin) has consumed the most of the time in this debate and I know that you are all anxious to get something to eat if you do not get something to drink. (Laughter). The argument that has been put forward here today is wholly irrelevant to the question. We are not considering today the matter of prohibition or no prohibition. That is only a collateral issue. The question which presents itself to you and I today in this matter is whether we will allow the people of this State to vote on an issue in which they are vitally interested, or shall we deny them that vote. That is the question, plain and simple. I, for one, believe in the principle of our government and that is that the people should have a right to determine under what form of government and under what conditions they shall live, and I, for one, am not going back to my people and say that I denied them that right to express their opinion upon any question in which they are vitally interested. Others may do it but I will not, believing, as I do, in the principles of our government and the sentiment of the Declaration of Independence. It is not a matter of prohibition but it is a matter affecting the very fundamental principles of our government. That is the question that is presented to you and to me today to decide.

An illuminating thing happened some two weeks ago in the dry—mind you I say dry—Senate of the United States. That dry Senate, the old Senate not the new, by more than a two-thirds vote voted to repeal the Eighteenth Amendment

and send it back to the people of the different States for their determination. Among those who voted for that were your two United States Senators. Whom—and I speak to my friends across the political hall here—whom are you going to follow? We must all follow somebody. Are you going to follow Senator Hale, Senator White and practically the Republican press of the State or are you going to follow some extremist? Now that is the question for you gentlemen to decide; and, by the way, the people today, not only in Maine but throughout this nation, are jealous of their rights; and to illustrate that I will call your attention to the newspapers of this morning where the people in the several cities who voted yesterday voted for a flat change. The people of the State and Nation are demanding a change, and when a city like South Portland which has been heretofore Republican will turn down such a fine man, such an honest man, a man whom nobody has any objection to, as Clinton Goudy, a member of this House, I want you to beware of what is in store. (Applause)

Now I am not going to take any more of your time. There are many questions that I would like to discuss, but, as I said before, it is not a question of prohibition. That must come later and our responsibility ends when we turn the matter over to the people of the State of Maine for their determination. The responsibility is not ours, it is theirs. I hope that the minority report will be accepted.

Mr. FARRIS of Augusta: Mr. Speaker, this Legislature is now engaged in framing legislation perfecting the machinery to elect delegates for a Convention to ratify the Twenty-first Amendment of the Constitution of the United States which in effect repeals the Eighteenth Amendment. In view of this fact, and in view of the fact that this proposed repeal of the Twenty-sixth Amendment to the Constitution of the State of Maine has nothing to do with the Eighteenth Amendment, is separate from it and is entirely a State issue, and so far as I know no candidate for office in the last campaign was pledged to repeal or resubmission of the Twenty-sixth Amendment of the Constitution of Maine, and there is no plank in either party platform that goes on record as recommending the resubmission or repeal of the Twen-

ty-sixth Amendment, notwithstanding remarks by the Democratic members here this morning, I defy them and I challenge them to point out in either party platform, which the member from Portland (Miss Laughlin) has before her, any plank or implication by any candidate that they were for repeal of the Twenty-sixth Amendment of the Constitution of Maine. While we are engaged in perfecting machinery for the repeal of the Eighteenth Amendment, it would be confusing to refer to the people this Twenty-sixth Amendment to our State Constitution, and for that reason I am opposed to the motion of the gentleman from Westbrook, Mr. Scates, that we accept the minority report, ought to pass.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Cobb.

Mr. COBB: Mr. Speaker, I want to say just a few words in regard to this matter. I do not think we need to take too seriously my friend from Westbrook (Mr. Scates) about his hearing the people back home calling for resubmission. I happened to be in the Legislature with him twenty-six years ago, and I was also there twenty-eight years ago, but twenty-six years ago—I looked over the Record the other day and I saw that my friend from Westbrook was on this same side. He has been listening to that noise so long that I think he misconstrues quite easily. I know, and he must know, that at that time the resubmission question was asked for a good deal stronger than it is today. I looked back at the Record of 1903, 1905 and 1907 and they had it before the House and voted it down until in 1911 they got resubmission and the "wets" got a trimming then. We can give them a bigger one today because then we did not have the women with us. Today we have the good ladies to vote with us. We have no fear of resubmission and are not afraid of the people, but the people are not demanding it at this time. There are a few,—it depends on the class you associate with.

Another thing! My brother brought it in here as a party measure but I cannot see why the Democrats even would be much in favor of it at this time because we know ever since our Governor gave us his message on the Budget that it is a great question with us.

We are all trying to cooperate and do all we can to cut down State expenses and balance the budget, and at this time to pass this and have another referendum, we know from the talk in the Legislature that it would cost thirty-five or forty thousand dollars. The "wets" would put in a lot of money in the State and the "drys" would have to offset it; so from an economic standpoint we ought not to do it. I should think that at this time there ought to be the spirit of saving every cent that we can and wait a few years until we get results from this new deal and our good Democratic times that they have promised us. Then perhaps we might have to give them a referendum. I think that if my good friend here will listen long enough he will hear the cry back home for bread more than he will for beer. The marchers down in Washington a while ago said "To hell with beer, it's bread we want," and that is the way with the people back home.

I think that we should not pass this minority report at this time because it is inexpedient. We have heard that word a good deal around the State House and I think the word well applies to this bill. The repeal of the prohibitory amendment would be a step backward and the people of Maine are not accustomed to go backward in questions of moral and social reform. Mothers, sisters, wives, and fathers, too, ask for the protection of those they love from this terrible and pathetic danger. The settled policy of the State of Maine, supported by the sober common sense of the people of its cities and towns, has decreed that the saloon shall be an outlaw; and I do not believe that the good citizens of Maine will ever allow the prohibitory amendment to be repealed.

Mr. HILL of So. Portland: Mr. Speaker, I have listened with a great deal of interest to this debate and particularly to some of the remarks of the gentleman from Bangor (Mr. Piper) and the gentleman from Westbrook (Mr. Scates) and I want to say that on one point that they raise I most decidedly take issue. I shall not take but a few minutes of the time of this House, but I would like to address a few words in reply to the gentleman from Bangor and the gentleman from Westbrook when

they say that the question before this House is not repeal but re-submission. If I understood the gentleman from Bangor (Mr. Piper) correctly, he said that there is no occasion for us to consider the merits of this bill but simply to pass it on to the people. I would like to ask the gentleman if that is correct. For what purpose are we assembled here, for what reason are we given this function to perform, if we are not to use a little bit of our own gray matter in considering this bill?

There has been a great deal of confusion growing out of the use of this term "re-submission." I do not know just where they get that term. They do not find it in the Constitution. Whether it has been applied to this prohibitory question merely by accident or by deliberate design, I do not know, but it does lead to confusion. I have looked at the Article XI of our Constitution which sets up the machinery for amending that document and prescribes the method in which it shall be amended, and I find there, and in other parts of the Constitution, that the theory of the framing of that document was something like this: They said when we come to so important a question as amending our fundamental law, we are going to set up safeguards, we are not going to allow that Constitution to be amended in the same manner, as we would ordinary legislation, but we will require two-thirds of the members of each House to be in favor of that Amendment, and then we will go further and provide a bit of restraint giving the people the power to check the Legislature if the Legislature has been so minded as to vote for the proposed Amendment. Now if the Legislature is not to consider the merits of this question, as the gentlemen say, I should like to ask why the framers of that Constitution provided that the question should be submitted to the Legislature at all. If it were simply a matter of popular vote, why were not the people given the power to initiate and to enact Amendments to the Constitution without sending them here to this body at all? As has been pointed out by the member from Portland (Miss Laughlin)—and I concur heartily in her sentiments—if the theory of the gentlemen was correct we should be obliged to refer to the people every proposed

Constitutional Amendment which comes before this body. But, they say, this is a different situation and there is a great demand for this repeal. What evidence have they shown us of a demand for the repeal of the State's prohibitory law?

The gentleman from Van Buren (Mr. Michaud) looks for his evidence to the Literary Digest and quotes there figures which deal solely with the repeal of the Eighteenth Amendment to the Federal Constitution which has nothing to do with the Twenty-sixth Amendment of the Constitution of this State; and I agree further with the member from Portland (M. ss Laughlin) on this proposition.

The gentleman from Augusta (Mr. Farris) has correctly pointed out that neither party in this State in its platform took any stand upon the question of State repeal, but the Republican party stood firmly against repeal of the Federal prohibitory laws, and the Democratic party advocated just as earnestly that repeal. The voters have come to look upon the Democratic party as the party of repeal and I say that if there were so great a demand for the repeal of our State prohibitory law as the gentlemen would have us believe, there would be a majority of Democrats in this House instead of the fifty-seven varieties.

Mr. Speaker, the people of the State of Maine are to have the opportunity to voice their sentiments on the question of Federal prohibition, I certainly am in favor of calling a Convention for that purpose. To submit the question of State prohibition at the same time would but lead to confusion to the voters at the polls. The gentlemen ask for submission at this time of the State question, for repeal of the State prohibitory amendment, and I would like them to tell us what earthly purpose there is in repealing the State prohibitory law so long as the Eighteenth Amendment remains the supreme law of the land. Notwithstanding the repeal of the State Amendment, so long as the Eighteenth Amendment of the Federal Constitution is in force not a drop of liquor can be legally sold in the State of Maine. So, I say, what is the purpose in calling an election on this question until the other question has first been decided? If the people in voting on the Federal question should by any

chance vote for the ratification of that Amendment, if they should, it would stand to reason that they would not vote for the repeal of the State's prohibitory law and then there would be no necessity for calling an election on that subject.

What do they offer in place of our prohibitory law? They suggest no alternative, they propose no other means of regulating the liquor traffic. If we repeal the Twenty-sixth Amendment, we have nothing in its place except a few Statutes which no doubt would soon fade away. I heard this question discussed in the Retiring Room something in this fashion: "Now I can't very well vote against repeal because I like to take a drink once in a while myself and so I am bound to vote for this bill." I hope that no member of the House is going to be deluded by such an argument. If any member occasionally indulges in a casual drink, I fail to see wherein it follows from that that he believes that the Twenty-sixth Amendment should be repealed and the sale of liquor legalized and everything thrown wide open even to the coming of the saloon. That certainly does not follow.

This has been a long struggle against the liquor traffic that has gone on for generations. The time will come, I know not when, when it will be recognized as a struggle on the part of the human race to raise itself to a higher level. There may be temporary reverses but the struggle against the liquor traffic will yet succeed. My thoughts go back to the years 1620-1621, and I see that little band of half clothed, half starved Pilgrims huddled together on the shore of Massachusetts Bay. I have read something of their suffering, toil and privation, disease and death that all but exterminated that Colony in the dreadful winter through which they passed. Then, with the coming of spring, the master of the little vessel that rode at anchor in the harbor began his preparations to go home. The Pilgrims looked on, watched those preparations with what longing, with what heartache, with what recollections of the familiar scenes of loved ones, the conveniences of home. Then, you recall, they were gathered together at a meeting and at that meeting they received the offer of the Captain of the ship of free passage back to England to any member of the Col-

ony who was ready to abandon the task upon which they had set out. The offer was followed by a long moment of silence and no doubt of hesitation on the part of some, and then I think it was Elder Bradford who answered that challenge with the words of Holy Writ "He who having set his hand to the plow and turneth back is not fit for the Kingdom of Heaven." Mr. Speaker, a half century ago, when the Twenty-sixth Amendment was written into our Constitution, the State of Maine set her hand to the plow and may God grant that she never turn back. (Applause.)

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker and members of the House: I had not intended to say anything here this morning but when a man gets up and advocates hypocrisy, as the last speaker has just done, I am unable to remain seated and not say anything. A man who will stand here in the House and tell us that a man who takes an occasional drink and breaks the laws of the State of Maine, can break the laws and feel right about it, I tell you he is a hypocrite himself. (Applause.) I ask, Mr. Speaker, that when we vote on this we take a yea and nay vote.

Mr. HILL: Mr. Speaker, I simply would like to reply to the gentleman (Mr. Belanger) by saying that the gentleman misunderstood me if he thought I advocated hypocrisy. I have simply undertaken to point out that it is not inconsistent for any man to vote against this bill under those circumstances. Certainly it does not follow that it legalizes the liquor traffic and throws open the door of the saloon.

Mr. PIPER of Bangor: Mr. Speaker, the gentleman from South Portland (Mr. Hill) has referred to me in his remarks and I arise to show him that I am not afraid to face anybody on this issue. He asked about this bill. As I understand, it is a Constitutional resolve that we are voting on. I have always thought that there was a difference between a bill and a Constitutional resolve. It is a resolve to submit to the people of the State of Maine the Twenty-sixth Amendment to the Constitution,—simply a resolve to submit. Now are you willing to submit? Are you willing to let them vote? We have talked about the saloon and the liquor traffic and

all that I do not understand that that has anything to do with this proposition. Are you willing to submit the Twenty-sixth Amendment of the Constitution of Maine to the men and women of Maine? I do not want to tell about the failures of prohibition here. I could recite a few, I believe, if I were so inclined. I can tell you about brewing in the homes that we never had before. I can tell you about young women and young men going to dances in the evening and getting drunk and young women treating the boys on home brew in the home, and I can tell you a lot of things about how this prohibition has worked out; but that is not the question. The question is this: Shall I vote to re-submit this resolve or submit this resolve to the people of the State of Maine? We call it resubmission because the Twenty-sixth Amendment was submitted once and now we submit it again. When we submit a thing the second time we resubmit it. There is nothing complicated about that at all to me and I am voting to resubmit the Twenty-sixth Amendment to the Constitution of the State of Maine to the people of Maine, and say to them "Here it is, what will you do with it? It is yours and you can do with it as you please. I might go out on the stump next fall and make dry speeches and urge people to vote against it. That would be my privilege. If I so chose, I might go out on the stump next fall and make wet speeches and urge the people to repeal it and that would be my privilege if I wanted to do it; but the question before me is this: Will you submit or resubmit the Twenty-sixth Amendment to the people of the State of Maine and let them decide whether they want to retain it or whether they want to repeal it?"

Mr. BENNETT of Presque Isle: Mr. Speaker, I want to say, members of the House, that I am against repeal before I start in so there will be no misunderstanding on which side I am. (Laughter).

The bill before the House, L. D. 56, is a resolve proposing the repeal of the Twenty-sixth Amendment, relating to the manufacture and sale of intoxicating liquors.

Now let us look at this situation a moment. Isn't this taking something away from the people and putting nothing in its place? Isn't this leaving a void except for the Statute law that was enacted to

deal with offenders of the prohibitory amendment?

The Legislature of fifty years ago this winter, in 1883, passed this law, the people ratified it in 1884 and it became a Constitutional Amendment in 1885, forty-eight years ago. Now let us ask ourselves what were the conditions fifty years ago that caused the Legislature of 1883 to enact this law? It was because the liquor business had become intolerable, obnoxious and alarming. The use of liquor was common. The youth could get it without any trouble. It became a nuisance and above all a moral and physical injury to nearly all the people. So a great influence was brought to bear on the legislators and enough votes were mustered to pass the bill and it was submitted to the people and became the fundamental law of our State. For forty-eight years we have lived under it and I am sure conditions, while not all we could wish, are infinitely better than they were before it was enacted. Many here today can remember the conditions that prevailed before and none of them wish to go back to those days again. After fifty years what has come over the people that they want this law repealed and are failing to set up anything in its place? Do they want to set back fifty years of world progress and live over again the miserable conditions of that generation and leave the whole thing open so that any one may buy it,—youth, manhood, old age, girls, women and all?

Do the proponents of this bill wish to see the youth of this State degenerate morally and become drooling, blubbering imbeciles like hundreds of those down at Pownal? No doubt the cause of their mental defects is due in part to their grandparents and parents being drinkers of alcohol, and I think I speak with some authority because I know the effect of alcohol upon the system, and I know that it is far-reaching and that its stimulating effect leads to debauchery, and that leads to many other things. As I say, I speak with some knowledge of this subject for I have heard the wailing heartaches and have seen the heredity effects of King Alcohol upon the new born infant.

No, Mr. Speaker, and members of the House, to the best people, the morally sane and sound members of society, the church members, the W. C. T. U., the Y. M. C. A., the Y. W. C. A., the Boy Scouts, the

Campfire Girls, most physicians and school teachers, and to many others, the repeal of this law is unthinkable.

Don't people realize that things are far different now than they were fifty years ago. Then there were no automobiles, no trucks, no busses, plying the highways at the rate of one or two every second. There were no machines in the factories, there were no power machines on the farms and there were fewer trains and no electric cars, no airplanes, which are the life of industry today and the manipulation of which needs a clear head, a clear brain and an eye that can take in the situation quickly. If we had liquor, I have no doubt that accidents would be far more numerous than they are today in every department. Now everybody is in a hurry to get somewhere and everything is in a whirl. The liquor business has no place in this modern life, the world of today, and I cannot understand why any person should advocate the repeal of the prohibitory amendment without first considering what is going to be set up in its place to mitigate this great evil that we have heard about this morning.

Mr. Speaker and members of the House I would be perfectly willing to vote for repeal if I knew that something better was going to be enacted to take its place, but until I am assured that this is to be the case, I would never vote for repeal or resubmission, and, besides, I will do all in my power to aid in the retention of the Twenty-sixth Amendment to the Maine Constitution. (Applause).

Mr. VALLELY of Sanford: Mr. Speaker. I hope the members will not take the member very seriously as he is not a law-abiding member of the Legislature. (Laughter).

Mr. SARGENT of Brewer: Mr. Speaker, I move the previous question.

The SPEAKER: Before that motion can be entertained one-fifth of the members must signify their assent to the motion. All in favor of entertaining the previous question will rise and stand in their places and the monitors will make and return the count.

A sufficient number arose and the previous question was ordered.

The SPEAKER: The question now before the House is shall the main question be now put? As

many as are in favor of the Chair putting the main question now will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, has requested a yea and nay vote. All those in favor of taking the vote on this question by the yeas and nays will rise and stand in their places until counted and the monitors will make and return the count.

A sufficient number arose.

The SPEAKER: The question before the House is the motion of the gentleman from Westbrook, Mr. Scates, that the minority report of the committee on Temperance, ought to pass, on resolve proposing the repeal of the Twenty-sixth Amendment to the Constitution relating to the manufacture and sale of intoxicating liquor be accepted. The previous question has been ordered. The yeas and nays have been requested and ordered. Those in favor of the motion of the gentleman from Westbrook, Mr. Scates, that the minority report of the committee, ought to pass, be accepted, will say aye when their names are called. All those opposed will say no. Are there any questions as to the situation? If not, the Clerk will call the roll and the members must remain in their seats until the vote is tabulated and returned. The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Belanger, Berry, Berwick, Boyle, Burgess, Burns, Bushey, Carignan, Carswell, Carter, Devereux, Drisko, Dunn, Duquette, Eastman, Ellis, Forgue, Lewiston, Friend, Gagnon, Gallagher, Goodwin, Gross, Hall, Hamel, George, Hancock, Haskell, Hastings, Hickey, Hobbs, Knight, Labbee, Lebel, Lindsey, Littlefield, Bluehill, Luce, Mace, Mack, Mason, Raymond; McKinney, Michaud, Morin, Nevers, O'Connor, Piper, Plouff, Quine, Raymond, Rounds, Rush, Scates, Shaw, Smith, Crono; Smith, Vinalhaven; Sprague, Stern, Thompson, Thurston, Valley, Viles, Ward, Harrison; Ward, Thorndike; Whitney, Whitten.

NAY — Bailey, Whitefield; Bailey, Woolwich; Bartlett, Bennett, Blanchard, Bucknam, Bussey, Carleton, Chase, Baring; Chase, Limington; Chase, Sebec; Clement, Cobb, Collins, Cook, Crowell, Deering, Dow, Livermore; Dow, Portland; Farris, Fenlason, Fernald, Flanders, Fogg, Rockland; Fowles, Goudy, Graves, Gray, Haggett, Ham, Hanson, Hawkes, Hes-

cock, Hill, Hills, Holden, Hussey, Jones, Lancaster, Laughlin, Leathers, Lewis, Littlefield, Alfred; Lord, MacPherson, Martin, Mason, Mechanic Falls, Mayers, Norris, Oliver, Osgood, Peacock, Plummer, Richardson, Russ, Ryder, Sanborn, Baldwin; Sanborn, Weld; Sargent, Smith, Masardis; Soper, Sterling, Stover, Thomas, Tillson, Tompkins, Bridgewater; Tompkins, Houlton; Tupper, Walker, Rockland; Walker, Rockport; Wallingford, Webber, Wentworth, Williams, Wright, Young.

ABSENT— Breen, Clarke, Eldridge, Hamel, Napoleon; Newcomb, Rand, Rea, White.

Yes, 66.

No, 76.

Absent, 8.

Sixty-six voting in the affirmative and 76 in the negative, with eight absentees, the motion to ac-

cept the minority report ought to pass failed of passage. (Applause).

On motion by Mr. Tompkins of Bridgewater it was voted to accept the majority, ought not to pass.

Mr. Farris of Augusta presented the following order, out of order, and moved its passage:

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Federal Relations for the afternoon beginning at two o'clock on Tuesday, March 14, 1933.

The order received passage.

On motion by Mr. Stover of Pownal.

Adjourned until ten o'clock tomorrow morning.