

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

# Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Saturday, December 16, 1933.

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

Prayer by the Rev. Frederick W. Smith of Waterville.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

From the Senate: Bill an act to incorporate the Islesboro Transportation Company, S. P. 16, L. D. 51, which was passed to be engrossed in the House December 15th in non-concurrence.

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

In the House, Senate Amendment "A" read.

On motion by Mr. Devereux of Penobscot the House voted to reconsider its action of yesterday, whereby this bill was passed to be engrossed and on further motion by the same gentleman the House voted to adopt Senate Amendment "A" in concurrence, and the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Drisko of Jonesboro, the rules were suspended and the members allowed to smoke.

**First Reading of Printed Bills**

H. P. 153, L. D. 195: An act to create the Deer - Isle Sedgwick Bridge District.

(The rules were suspended, the bill given its third reading, passed to be engrossed and sent up for concurrence.)

H. P. 154, L. D. 194: An act relative to inheritance and estate taxes.

(The rules were suspended, the bill given its third reading and passed to be engrossed and sent up for concurrence.)

**Passed to be Enacted**

S. P. 33, L. D. 177: An act to incorporate the Presque Isle Water District.

H. P. 26, L. D. 41: An act to amend the charter of Bridgton Center Village Corporation.

H. P. 41, L. D. 53: An act relating to the licensing of operators of milk gathering stations.

H. P. 78, L. D. 88: An act to enlarge the powers of the trustees of Gould Academy, a corporation chartered by the State to hold property.

H. P. 105, L. D. 154: An act to incorporate the Town of Fort Fairfield School District.

H. P. 142, L. D. 168: An act regulating interest charges on unpaid State and County taxes.

S. P. 32, L. D. 89: An act creating a Board of Emergency Municipal Finance.

**(Emergency Measure)**

S. P. 65, L. D. 169: An act providing flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

Mr. FERNALD of Winterport: Mr. Speaker and members of the House, I believe that if the serious-minded membership of this House will stand and vote for their convictions that we will arrive at a point in the history of Maine where we will begin to chart new fields, a place from which we will begin to go to places.

Now all of us can plainly see that the condition before us affects us individually and as a community. What we cannot see is that it is our problem and our responsibility. We sit back and sulk and blame some one else for the dilemma and do nothing about it at all ourselves. If we sulk long enough, perhaps in the next century or two there will come along a great leader who will wade in and do the job for us, or, rather for our children's children. But that is not the American way, it is not the pioneer way.

What can we do? If we are worthy of our great tradition we will roll up our sleeves and tackle this job ourselves. We know what the job is. We know how it should be done. It only remains for each one of us to assume personal responsibility. Here is a House full of men whom we have put into public office, both in public and in private meeting, to reduce the budget to the income of the community and

to sit in that council, both by vote and public demonstration, until that end is accomplished. Such a personal activity is certain of success. The men in public office, every one of us here, are the servants of the people, and the will of the people must prevail.

Now we were told by our good brother of the ministry yesterday in his prayer that there is no such thing as defeat—and I repeat to you, gentlemen, that there is no such thing as defeat, and we cannot permit to prevail in this legislative assembly the same spirit of defeatism that prevailed here last winter, because if that spirit does continue it will mean the deadening and abolition of legislative government in the State of Maine, and that shall not come about.

We were told this morning, indirectly, by the Hon. Frederick Smith of Waterville, that we have the knowledge and the ability and the power given to us by Almighty God to carry out any problem that confronts us.

Now, if I may refer to the vernacular, let us look at the record.

We discussed this flexibility bill somewhat last winter. As I recall it, there was some conversation and some oratory on it; and our distinguished floor leader on the Republican side said, in answer to a question from the Representative from Winterport, quoting from Page 1052 of the Record: "I do not believe that we will have to have a special session before January 1, 1934, perhaps not before 1935."

Well, we have had two; we have got two or three more ahead of us, and we have established a record that beat any Marathon that was held in Hampden, Maine, at the Golden Slipper Marathon, because, gentlemen, the old State of Maine has been in existence for 110 years, we have had legislatures, and for a long time we had them every year, but we have never had a legislature that has had as many special sessions as the good old 86th. We have passed through a civil war; we have passed through thirty major and minor depressions, but they have still got to beat the record of the 86th.

When the gentleman from Augusta (Mr. Farris) made his remark, it did not quite penetrate into the brains of the gentleman from Winterport (Mr. Fernald), if he has any

brains and so he asked the question again a little further on in the record, and the gentleman said, "I say if we pass this bill I do not think we will have to have a special session, if that answers the gentleman's question." Well, it did not.

I would like to quote to you what Lincoln said. You know Lincoln was an awful good Republican and he was an awful good Democrat. Lincoln said: "My experience and observation has been that those who promise the most do the least." And Lincoln also said, once upon a time: "I do not think much of a man who is not wiser today than he was yesterday." Gentlemen and lady members, I think we are wiser today than we were yesterday.

Now let us look at the record a little further. We came over here about a year ago, approximately, and in conformity with Article IX of the Constitution of Maine, we signed what is known as certificate of qualifications for Representatives, and we took this oath; we all stood up here and solemnly pledged ourselves to the following oath: "I do swear, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen thereof, so help me God", and you signed your name right on the dotted line. And you further gave oath: "I do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a Representative in the Eighty-sixth Legislature of the State of Maine, according to the Constitution and Laws of the State, so help me God", and you signed that on the dotted line.

And the Constitution of Maine says, Article III: "The powers of this government shall be divided into three distinct departments, the legislative, the executive, and the judicial.

"Sec. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others."

And it would not require the efforts of a constitutional lawyer to interpret what every word I have read to you from the Constitution of Maine means. Furthermore, there is not a man living who is familiar with the Constitution who will get up and argue the constitutionality of the flexibility clause or act that was before us in March, 1933, or the

same old thing that is before us with a sugar cover on it today. There is not a man in the State of Maine who knows anything about the Constitution who will argue the constitutionality of that—and that is quite a statement to make, too.

Let us look further into the Record. On January 4 we were here in the House of Representatives, and the then Governor, William Tudor Gardiner, came down that center aisle there with his honorable Council and addressed you, and he made this statement. This was January, 1933, not December, 1933, but January, and neither yourself nor any of your seatmates had introduced any bill into this Legislature, with very few exceptions. This is the statement that came from Governor Gardiner: "One of the grave problems before the State is the revision of our tax system. This calls for most patient research. I believe the problem must be attacked in its entirety. Our system of raising revenue is archaic and well considered study can devise a fairer means of providing the necessary funds for State purposes." That is January, 1933. And, in passing, I cannot help but digress and read four or five more lines that Governor Gardiner said on that same day, words that also fell upon barren ground and were swept away as the wind sweeps the dust off our cement roads. Quoting Governor Gardiner, Page 14, Legislative Record, 1933: "Public service is exacting, but the work is interesting and I have enjoyed my tour of duty. Great demands are made upon the time of a Governor and I think it has become customary to expect too many public appearances. The time consumed in travelling and speaking cannot well be spared from executive duties."

Let us look a little further into the record.

I have before me recommendations of our Governor January 5, 1933, the day after the remarks that I have just quoted there. I find on Page 34 the statement: "Highway bonds should be issued only for this purpose (highway purposes)." And I find no recommendation of flexibility or "stretchability" or that we need a drastic reduction or revision or revamping or remodelling or reforming of our taxes.

Now the man in the street when he read the Governor's address of

December 4, 1933, when he read the statement that the tax system is outworn and must be replaced by a new one, he was dumb-founded, he was astounded, and he said, "There is a man who is showing leadership and who has thought of something new. Our tax system is outworn and needs to be revamped." Well, of course after a year's study of our fiscal system one should have arrived at that conclusion.

But let us go back a little further into the record. I find that in 1874 Governor Dingley said substantially the same thing. In 1875 he repeated it. In 1879 Governor Garcelon, in his inaugural address said the same thing, Governor Davis in 1880, Governor Plaisted in 1881, Governor Robie in 1883, Governor Bodwell in 1887, Governor Burleigh in 1889, and a number of the other governors down to the time of Tudor Gardiner. So I am inclined to feel that the question of revision of the tax system is nothing new. We all know about it. We knew about it in January, 1933, and you men and women of the wider legislative experience knew about it before that.

Now let us look a little further into the Record. We are considering the fact of whether or not we shall extend this power of the Governor and Council. Let us look into the Record a little further. We are living in times when the majesty of the law must be supported, when stability in government must be the standard placed before us. But we find the pardon record of this Governor and Council to be most remarkable; we find wholesale releases from our prisons of criminals—and I say that with the record before me, and I will prove my statement.

For the period of 1927 and 1928 there were 15 pardons and commutations made of various kinds, and in 1929 and 1930, another period of two years, there were 11 made by the Governor and Council, and in 1931 and 1932 there was a considerable number made—36. But in the year beginning in January, 1933, a period of one year from January, 1933, up to December 4, 1933, less than a year, there were 28 made—and there have been several made since then. I haven't been able to keep up with them.

Now we also have the expense account of the Honorable gentlemen, and I think we are all familiar with that, but I think this statement

will hold water: that I think we have today the most expensive Council that we ever had.

Let us look at the bank situation a little bit. That all came under this flexibility business. We decided that we were in a rush to get home in March, and we did not give careful consideration to banking legislation and several other matters that might have properly been straightened out, with the result that a great many banks were reopened that should not have been reopened and were finally closed, all during the interim of this flexible flexibility act, with the result that literally thousands of dollars, yes, hundreds of thousands of dollars were lost to the depositors in banks in the State of Maine, because the Legislature did not set up proper safeguards. And I could go on here and go into minute detail and give you the names of the banks and the names of the depositors. All that is not necessary, but it is a fact that hundreds of thousands of dollars of depositors' money, money belonging to your friends and my friends were lost, because we did not carry on in March, 1933, and finish our job.

Oh yes, we have got a gas tax around here, somebody said. They could not adopt the sales tax, so they thought by flexing the law they would give us a special sales tax on gasoline. Now my theory on the gas tax is the theory that is held by every reasonable person in this House, and that is that we should build our roads with the money that we get from gasoline, and that the gas tax should not go for the extermination of brown-tail moths or the white pine blister or for the maintaining of paupers. The gas tax belongs to the people who give it to us, and they give it to us under the theory and under the pledge that we will spend that money for the improvement of the highways.

Let us go into the record a little further. I have here the laws of 1933, those famous laws belonging to the old 86th, and I find one, looking them over, Chapter 213, Page 727, a resolve passed in favor of Danny Mahar, of Bangor—and I recall that the gentleman from Winterport (Mr. Fernald) asked the gentleman from Bangor (Mr. Piper) what would happen to Danny Mahar if he voted for the flexibility bill. And you know the gentleman from Bangor is

he takes an awful lot of lickings and he takes it right on the chin and he comes up smiling. But it does seem as though the Governor in passing that bill and signing it rather took an unkind attitude toward our genial friend, Mr. Piper. In signing the bill—and this is a procedure that is not paralleled in the history of Maine—in signing the bill, after signing the bill he attached a little memorandum on it: "This bill is signed with the understanding that hearing is to be given before the Governor and Council to determine legal liability." Now I think we had a committee hearing and passed on that and decided there was legal liability. And, further: "If no funds are available the resolve is not to be paid, and if it is determined on hearing before the Governor and Council that there is no legal liability the payment of the resolve is to be withheld under the flexibility act. (Signed) Louis J. Brann, Governor." Never in the history of Maine, 110 years, was there ever such a procedure put over on the Maine Legislature, and never a word said about it.

You know, gentlemen and lady members, Tom Marshall said: "What America needs is a good five-cent cigar." I think what the Maine Legislature needs is something we may call intestinal fortitude.

Let us go on a little further into the record: Chapter 214 of the Public Laws of 1933. There he is over there, smoking, good-natured—the gentleman from Brewer (Mr. Sargent). What about Lillian? Our Lillian got the same treatment as our good friend from Bangor—it was passed with reservations.

Now, gentlemen, we have got a certain amount of road resolves that were passed by the old 86th, and you have got part of them. But what about the rest of them? Oh well, they are going to get up and say that this bill that is before us now has been so carefully amended that you are safeguarded, that there is no appropriation that can be cut down. But I say to you, gentlemen, right here, that everything that they could do to Danny Mahar or Lillian Cushman or anyone else under the act of 1933 as passed here in March, known as the flexibility act, they can do under this pernicious bill that is before you here today—every single thing. They may have to use a little more red tape

or a little more effort, may have to use a little more indirection, but they can do it. You gentlemen know it and I know it. Ask any lawyer who has read the bill and he will tell you the same thing, if he is impartial.

Now you are not going back to part of your constituents and say, "Last year such and such a town got \$500, but our act got lost because the Governor and Council renewed their powers with my suggestion and my vote." Just look out for the pork barrel, because you know, gentlemen, if a lot of us didn't have the pork barrel we would not be here.

Let us look a little further into the Record. I am glad that you gentlemen are smoking because it is keeping you good-natured. I did not know but there would be some bricks thrown around here.

Here we have the renowned Kennebec Journal, December 13th: "At best this flexibility is but a makeshift and not altogether commendable or dependable." Well, that just about summarizes the whole meaning of the argument in one pithy sentence.

Let us look a little further. Again the Kennebec Journal. Evidently there is somebody down there in favor of this thing. It says: "should not walk out on us." And that is what I am trying to tell you. You should not walk out on the people of Maine. That is just what you are going to do if you pass this flexibility bill. The Kennebec Journal of December 15th: "yet the proposal to go home leaving the State's financial condition to additional stretching of the flexibility expedient." Before I finish that let us talk about this word "expediency". You know there has never been a time when the word "expediency" was used more or talked about more in politics than today. But we have got to get over this expediency business; we have got to stop considering questions as political questions. Now is the time the Democrats and Republicans should face public questions as public questions and not as political questions. because, gentlemen, it does not matter a single bit to the State of Maine whether you are re-elected or I am re-elected, but it is important that the principles of government, that the stability of our governmental structure is maintained. That is the important thing. Prin-

ciples will live, but men will die. Let us complete this quotation: "and the possibility of rum revenue leaves so much to be desired that one may fervently wish the Legislature might have a revenue revelation." Now if I was to write that editorial I would just as soon strike out the word "revenue" and let the Legislature have just a revelation.

Well now, let us get down a little closer to the problem. We also have a bill in here that provides for the transfer of \$400,000. They tell us we need \$1,800,000. Well now, my honest opinion and my sincere belief is the State of Maine has got just so much money. If we ourselves as a Legislature, as the representatives and the mouthpiece of the people, cannot provide money enough to balance the budget, how are we going to delegate that power to the Governor and Council? They do not propose to enact any legislation. Well, if we have got ten cents now, how are we going to make any more money by transferring the ten cents to the Governor and Council. If there is any need of transferring any funds let us transfer them as members of the Legislature. Let us do it in a democratic way and do it the people's way.

Now I have not heard that the Governor and Council was going to create any more money, although it was said last winter that they would be able to cut down, save us a lot of money and balance the budget; but the budget is just where it was last March. And, gentlemen, if there was this tremendous need for the flexibility act and there had not been the need for the Legislature to convene, why did we not get together one day of the session last January, pass the flexibility act and go home, and save all this printing and committee hearings and advertising in newspapers and so forth. That would only have cost \$5000, but I will guarantee these four or five legislative marathons that we have had here have cost the State of Maine \$100,000 or more. Because, gentlemen, if you do not do anything this year the Legislature which meets in 1935 has got to do it. They have got to do it.

Now they talk about collecting taxes. We still have law to collect taxes. We have another law, S. F. 32, L. D. 89, An Act creating a board of emergency municipal finance. We have a bill to increase the State debt limit. And in figuring

your \$1,800,000, that is for the next year; we haven't got to have all of this \$1,800,000 tomorrow; it is to be spread over the period of a year. You divide \$1,800,000 by 12, and what does it give? It does not give you very much, speaking in large figures, each month.

Now we are going to be back here in February. If we should underestimate the amount of money that we should transfer, if you follow my theory properly, saying we should fall down \$400,000 or \$500,000, and only transfer \$1,000,000 or \$1,300,000, and it requires \$1,800,000 to run the State of Maine for a year, they ought to be able to get along on \$1,000,000 for three months. And in February let us look at the picture again and take another crack at it and transfer some more, if that is the way you want to do it. And if we should make a mistake then and not transfer enough, we are going to be back again in June, and I think after the June primaries some of you people will sober up and realize what the people back home think, because they will tell you, and they will tell you in no uncertain words. Then after you people get your political future behind you, you will start looking forward and you will start doing business.

Now we have a lot of State funds in these closed banks, and that is worrying a lot of people; but these banks are gradually opening up and there is going to be money coming in from those banks.

I looked up the other night the word "flexibility", and it said "easily bent". I think a better one than that would be to look up in the dictionary the word "Maine Legislature", and it would say "easily broke".

Well, that is not bad, it has only been half an hour. Somebody said the other day that R. L. Fernald spoke an hour and fifty-five minutes. I have only been half an hour today.

I would like to leave this word with you. I think the serious-minded membership of this House are going to stand firm by their oath and by the Constitution and by what they think is right, and when this proposition comes up as an emergency act, an emergency that they knew about last March, as I look at it, an emergency is not something that is always continuous, because I am afraid the Maine Leg-

islature is going to be known as the "emergency shoe-string legislature" because the only thing we got out of it was shoe-strings and emergencies.

But, seriously, let us sit tight on this proposition, work this problem out and go back to our constituents and say, "We are finished; we have balanced the budget; we have done our job." Just let me read this to you, and I will close—after some of the sober and more liberal-minded people in the Legislature will have spoken. I say to you:

"Be strong!

We are not here to play, to dream,  
to drift;

We have hard work to do, and loads  
to lift;

Shun not the struggle—face it; 'tis  
God's gift.

"Be strong!

Say not, 'The days are evil. Who's  
to blame?'

And fold the hands and acquiesce—  
oh shame!

Stand up, speak out, and bravely,  
in God's name.

"Be strong!

It matters not how deep entrenched  
the wrong,

How hard the battle goes, the day  
how long;

Faint not—fight on! To-morrow  
comes the song."

(Applause)

The SPEAKER: The pending question is the passage of the bill to be enacted.

Mr. TOMPKINS of Houlton: Mr. Speaker, the gentleman from Winterport (Mr. Fernald) has spoken about flexibility. While I do not object to the flexibility bill I do object to flexibility legislation. If we have got to come back here five or six times in the next twelve months, it seems to me it is high time, if there is anything we can do at the present time to balance this budget, that we should do it. It seems to me we have arrived at a time when a little old New England thrift should be had in this State, even if we have to wear patches on the seats of our trousers and the elbows of our shirts. And, that we may consider ways and means how this can be done and how this budget can be put into some sort of condition whereby the emergency will not be continuing, I move you that



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

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

A viva voce vote was doubted.

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

#### (Emergency Measure)

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

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-nine voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### (Emergency Measure)

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

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

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

#### (Emergency Measure)

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

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

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

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

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

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

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

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

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

than have them settled by the Legislature.

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

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

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

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

(Applause)

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

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

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

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

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

Miss LAUGHLIN: Are the members all present?

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

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

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

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

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

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

101 No; 34 Yes; 12 Absent.

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

The SPEAKER: The question

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

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

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

#### After Recess

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

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

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

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

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

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

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

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

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

110 Yes; 30 No; 7 Absent.

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

On motion by Mr. Gross of Lisbon Falls,

The House recessed until 1.30 P. M.

### Afternoon Session

The Speaker in the Chair.

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

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

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

In the House: Senate Amendment A read.

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

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

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

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

In the House: Senate Amendment A read.

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

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

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

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

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

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

The Chair appointed as such com-

mittee on the part of the House Miss Laughlin of Portland and Messrs. Tompkins of Houlton and Thompson of Belfast.

From the Senate: Joint order relative to expenses of members of the Legislature, which was passed in the House on December 14th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. FARRIS of Augusta: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The Chair notes that the gentleman from Fort Fairfield, Mr. Ashby, is not in the House at this time.

On motion by Mr. Farris of Augusta, tabled until later in this afternoon's session.

From the Senate: Report of the committee on Inland Fisheries and Game reporting ought not to pass on bill an act relating to closed seasons in the several waters of the State, S. P. 56, L. D. 124.

Comes from the Senate, the bill substituted for the report and indefinitely postponed.

In the House, it was voted to concur with the Senate in the substitution of the bill for the report, and the bill was indefinitely postponed in concurrence.

Paper from the Senate disposed of in concurrence.

From the Senate: Bill an act relating to measurement of lobsters, S. P. 74, L. D. 188, which was referred to the Eighty-seventh Legislature in the House yesterday in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby the majority report, ought to pass, was accepted, and the bill was passed to be engrossed.

In the House:

Mr. SCATES of Westbrook: Mr. Speaker, I move that we recede and concur with the Senate. If I understood correctly, the gentleman from Kennebunk (Mr. Wentworth) and the gentleman from Vinalhaven (Mr. Smith) had come to an agreement that they would not discuss the question.

The SPEAKER: The gentleman

from Westbrook, Mr. Scates, now moves that the House recede and concur with the Senate in the acceptance of the majority report, ought to pass.

Mr. SMITH of Vinalhaven: I rise, Mr. Speaker, to speak on this matter.

The SPEAKER: You may do so.

Mr. SMITH: Mr. Speaker and members of the House: As has been stated by the gentleman from Westbrook, Mr. Scates, we did come to an agreement not to speak on this question yesterday. But what happened? When the report of the committee comes in, it comes in not as the vote in the committee was taken, which, as I stated last night, opens the door to me if I were disposed to discuss it. I felt that I did not exceed my agreement last night when I stated the matter before the House as I did. Now it has gone back to the Senate and they have adhered to their former action, I feel that I am perfectly justified in discussing the matter. I hardly know what to say or where to begin.

The first mistake was that this bill was advertised for hearing on Tuesday, but when it comes out in the paper, it was advertised for Monday. The second mistake I stated to you last night but that is neither here nor there. I will venture to say that there was not ten per cent. of the lobster fishermen up and down the coast of Maine who knew that this bill was coming before this Legislature until after we got here. I know that no one in my town had the least inkling that such a thing was coming before the Legislature because everybody knew that it had been referred to a special committee to make a survey of that subject and report to the Eighty-seventh Legislature, where it properly belongs.

The questionnaire sent out last winter by Mr. Crie showed that not ten per cent. of the fishermen of Maine voted for the double-gauge law. Now are we coming here to enact some law that is not wanted by ten per cent. of the fishermen? We refused to enact a law which nearly half of them wanted, but this law was not wanted by ten per cent. of them.

I want to call your attention to a newspaper article, a dispatch from Washington, as follows:

**"Frame Code for Lobster Industry****Bans Short Lobster, Sale and Quotations Below Fixed Price**

"WASHINGTON, D. C., Dec. 14. (Special)—Framing of a code of fair competition for lobster dealers which will make it unfair to offer short lobsters for sale and sell below a fixed price fair to the fishermen is called for under a plan devised here Wednesday at a conference between Lawrence Hopkinson of the Tariff Commission; H. W. Fiedler, fisheries expert for the Agricultural Adjustment Administration, and Rep. E. C. Moran of Maine.

Sol. A. Herzog, counsel for dealers, will seek to have these provisions included in the code to be filled soon with the NRA by the National Wholesale Lobster Dealers' Association.

Hopkinson and Fiedler have been considering the possibility of regulating import of competitive lobsters in some friendly manner through the offices of the Canadian legation."

Now in Washington they are trying to frame a law to prohibit the importation of these lobsters in competition. Are we coming here today and change this law to a double-guage law? It is admitted that the cost of this special session of the Legislature will be from eighteen to twenty thousand dollars, and I think we should be doing something besides tampering with lobster legislation.

Now another matter! It is impossible at this time of year for the lobster fishermen along the coast of Maine to come here before this Legislature, come to the committee hearing or to come and lobby. Now here is my position on this matter: I believe, ladies and gentlemen, that this House of Representatives is the body that is making the laws, and the body that should be making the laws, without any influence from two or three lobster dealers out there in the lobby. It is up to us.

Now another matter! In the town of Vinalhaven there are twelve or fifteen lobster buyers. Some dealers are maintaining two buyers in that harbor, competing with each other,—two buyers from the same wholesale house competing with each other. I say that if the dealers have been so hard hit, they had better reorganize their economic structure instead of main-

taining two buyers in one harbor competing against each other on price.

Now members of the Legislature, this is possibly the last time I shall appear before this House in the Legislature. As former Governor Gardiner said, it is not likely that political activity will ever again disturb my life, and I am just asking you gentlemen to remember those fishermen on the coast of Maine. I think you people would appreciate the editorial in the Lewiston paper the other night signed A. G. S. I think very few people appreciate the hardship that the fishermen on the coast of Maine have to endure, and it is plainly to be seen that this is simply another move of the dealers against the fishermen. I think all who have walked up and down these corridors the last few days can readily understand that. As I say, this probably is the last time I shall appear before you and I certainly hope the House will not recede and concur.

Mr. FARRIS of Augusta: Mr. Speaker, I want to go on record in favor of the motion of the gentleman from Westbrook (Mr. Scates) to recede and concur with the Senate. As I understand the situation, this Legislature at its last regular session, created a recess committee to study this matter. Up to date the Governor has not appointed any members to act on that committee, but I understand that he has promised to do so immediately. In the meantime, if we should pass this law, which would be in operation until the Eighty-seventh Legislature shall meet next January, I can see no harm in trying it out. Then, if this committee that is going to be appointed by the Governor recommends a change in the lobster law, let the next Legislature deal with it.

I want to remind the gentleman from Vinalhaven (Mr. Smith) that the dealers in Maine are citizens of Maine and are as much his constituents as the fishermen. We do not want any class legislation or favoritism shown; but if the dealers cannot sell the lobsters, the fishermen cannot get their price for them, and the gentleman from Vinalhaven (Mr. Smith) must know that the lobster industry is paralyzed. On the coast of Maine at this time the prices are way down. I believe this bill will help this industry and for that reason I am in favor of the motion of the gentleman from Westbrook, Mr. Scates.

Miss LAUGHLIN of Portland: Mr. Speaker, being in the center of the lobster industry, I favor the motion of the gentleman from Westbrook, Mr. Scates. It seems to require but little common sense to know that the best method to promote the lobster industry is to prevent the killing of lobsters after they reach the breeding stage. That is what this double-gauge does by limiting the length so that when they have reached the breeding stage they cannot be taken and destroyed. More lobsters can be taken under this law than would be taken with the higher limit for a minimum and no limit after they reach a certain stage.

I do not think anybody needs to tell us that the law is going to be made by the Legislature. Somehow I do not believe in trying to create prejudice by talking about people who might come here to present their case, especially as the gentleman speaking on the other side has been very sorry that he could not bring the ones on his side to talk to us. To come here and argue in favor of keeping things as they are in view of the condition of the lobster industry, does not seem to me to be considering it in the interest of the fishermen. I am more interested in the benefit to the fishermen than I am to the lobster dealers, and I believe this measure is decidedly for their benefit, and that it will mean more lobsters taken and a better price for them.

Mr. FOGG of Rockland: Mr. Speaker, I am interested in this bill. We find, on referring to statistics, that forty-four years ago, in 1889, in round numbers there were 25,000,000 pounds of lobsters; that each year since that time there has been a decrease until, in 1929, there were only 6,000,000 pounds of lobsters produced. This bill permits the sale of lobsters between 9 inches and 13½ inches long. It is estimated that a 10-inch female lobster produces 10,000 eggs. She lays these eggs once in two years; a 12-inch lobster produces 20,000 eggs; a 14-inch lobster 40,000 eggs; a 16-inch lobster 60,000 eggs; and an 18-inch lobster 80,000 eggs. So you see, if we permit the larger lobster to remain in the sea, how many more eggs are produced. We need these eggs because it is estimated that there are only two lobsters that reach adult life in 10,000 or 30,000

eggs. Those are destroyed by storms and as food for fish.

With these facts in mind, the proposal that appeals most to our common sense, and which in addition is biologically sound, is to market the younger and more desirable classes of the lobster population, and reserve for propagation purposes the older ones. Do not the farmers do this in the chicken business? Do they not start their chickens and sell them when they are broilers, all of which corresponds to the broiler lobster? Do they not hold for propagation purposes the older stock? Also is this not true in the sheep industry when they sell their lambs? I hope that this bill will receive passage.

Mr. WALKER of Rockland: The gentleman from Vinalhaven (Mr. Smith) has made it extremely difficult for us inasmuch as he has summoned us to gather around his political deathbed and listen to his last words. Those last words are, of course, entitled to considerable reverence; but after all, Mr. Speaker, while we have been approaching it with a degree of sympathy, it is not a lobster bill, it is a human interest bill and instead of thinking of those ungainly but palatable creatures, I think of them in terms of women and little children and grim and rugged, hard bitten men. I wonder what harm it would do these fishermen who catch twice as many lobsters during this year as they caught last year? When Massachusetts passed a law similar to this twenty-five years ago, immediately the catch was more than doubled according to the Massachusetts report, and the last available statistics show that the catch, after twenty-five years, is still more than it was before that law was passed. The supply has not been exhausted, indeed it comparatively has not been impaired.

The researches of our Sea and Shore Fisheries Department show that of the lobsters caught over the upper limit proposed in this bill, of all the seed lobsters that are caught altogether eighty-one per cent that are caught are above this limit and would have to be put back. Maine has been paying from ten thousand to twenty-four thousand dollars to buy back these seed lobsters from the fishermen. She no longer has the money. Under this law these lobsters could not be taken. This past year they have been taken and

held for sale in the State when the money was not forthcoming. It is hardly necessary to tell this intelligent audience what became of those seed lobsters which came to seed in the cars where they were kept when Maine did not have the money to pay for them. This is not a conservation of lobsters alone but is a conservation of human life and human interests, the things I think we are here to serve.

I am informed that our Commissioner of Sea and Shore Fisheries holds, from his intimate knowledge of the men engaged in the industry that more than half of them, without having the opportunity to study this bill, are in favor of it. I did not know that a double-gauge law had been presented before this. This is not the bill which was introduced last winter. This is the bill which for many years the men best acquainted with the industry, and the best champions of the fishermen, have been working to get adopted; and I am for it.

Mr. GOUDY of South Portland: Mr. Speaker, I cannot resist the temptation at this time to say that on one bill my good friend Miss Laughlin, the member from Portland, and myself agree.

(Laughter)

I fully appreciate the situation of my good friend, Mr. Smith from Vinalhaven. He knows a few lobster fishermen in Vinalhaven caucused in the telephone booth and decided they were not in favor of this bill. I do not feel that we should let their action affect the starving fishermen of Maine.

Now I am familiar with the fishing industry of the State. I was born and brought up with lobster fishermen. I know their trials and their problems. At the present time their boats are on the bank, their families are destitute, being taken care of by charitable institutions, being given assistance by the town. I feel that we who are here and who have our homes and our automobiles to ride around in, and whose children are being well fed and clothed and taken care of, should see to it that the children of the lobster fishermen of the State of Maine should have the same protection and the same privileges that were guaranteed to them by their birth-right under the flag of the United States of America. And the mothers of those children, who went down into the valley of the shadow

of death to see their children were properly reared and protected and taken care of, have a right to expect this Legislature will not discriminate against our own flesh and blood. And the dealers of the State of Maine should receive proper consideration of their needs, because at the present time they whom you expect to pay taxes on their business establishments and provide employment for our citizens, are handicapped to the extent that they cannot compete with other lobster dealers from outside the State. For instance, if a hotel or a business establishment outside the State wants a barrel of small lobsters and a barrel of large lobsters, they are immediately told by our dealers that they cannot furnish the small lobsters and they immediately cancel their whole order, and get their small lobsters where they can get their large.

I cannot see any reason under the sun why this bill should not receive passage. I do not want to feel that this Legislature is going to deliberately take the attitude that any measure which is going to assist the citizenry of the State of Maine is going to fail to receive passage. We have got to help these people. This is an emergency and they need assistance and they are entirely in our hands, and I do not feel we should betray the trust that is imposed upon us as their representatives and come down here and refuse to pass legislation that is going to help them.

This bill can do absolutely no harm. The good Lord saw to it that his children should have plenty to eat by providing for their fishing needs and their hunting needs, and by giving them the right to harvest and have crops grow. I feel that we should not in any way interfere with the citizens of the State of Maine who are in the fishing industry by passing any legislation or refusing to pass any legislation that will give them the right and the privilege which they are entitled to as citizens of this great State and this great United States.

Mr. WENTWORTH of Kennebunk: Mr. Speaker, I guess by this time I am known as the lobster man. I agreed with the committee not to argue this matter, and I am going to stick to my agreement. I believe most everybody must by this time be pretty well enlightened on the subject, and I move the previous question.



The SPEAKER: The gentleman from Kennebunk, Mr. Wentworth, has moved the previous question.

Mr. HILL of South Portland: Mr. Speaker—

The SPEAKER: No further debate can be had until the matter of consent to putting the previous question has been voted upon.

The Chair understands that the gentleman from Kennebunk, Mr. Wentworth, withdraws his motion for the previous question. The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, and members of the House, it may be recalled that during the regular session last winter when a bill was before this House which would permit the dealers in lobsters to import from Canada lobsters under the minimum length allowed to be caught in this State, that I spoke on two occasions against that bill.

The bill that is now before the House is a different measure. I was then primarily interested and am now primarily interested in serving the best interests of the fishermen of the State of Maine.

This new bill, known as a double-gauge law, appears, from what information seems to be available, to be well adapted to conservation of the lobster supply. It seems to me that in view of the predicament in which the lobster industry now admittedly finds itself that we might at least try out this double-gauge bill and see how it goes. I dislike to part from my friend from Vinalhaven on this bill, but where we have here this proposition which is designed to conserve the lobsters it seems to me that perhaps we had better try it out and give it a chance and see how it works. I therefore favor the motion of the gentleman from Kennebunk (Mr. Wentworth).

Mr. SMITH of Vinalhaven: Mr. Speaker and members of the House, I realize only too well that it is the height of presumption for an ordinary dirty plumber to stand up here and try to argue and debate with lawyers. With two exceptions, everyone who has spoken on this bill is a lawyer. Now I submit to you gentlemen whether or not I should not know as much about lobsters at least as a lawyer. I do not believe there is a single one of them who has spoken who even knows how many legs a lobster has.

(Laughter)

Now the gentleman from South Portland (Mr. Goudy) tries to ridicule—he says the fishermen of Vinalhaven met in the telephone booth. There are as many lobster fishermen in Vinalhaven as in the rest of the county.

Now the strongest opponent to this measure in the hearing was a lobster fisherman, a very intelligent young man from Harpswell in Casco Bay, and you will find that the lobster fishermen who oppose this bill are the most prosperous and intelligent, and they all realize it is a bad bill for the fishermen.

They speak about lobster fishermen starving. It is true some of the smaller fishermen are out of work—what we call down in Penobscot Bay “dandelion fishermen” who go out when there is a heavy dew on the grass. It is true they cannot compete. It is true in the professions, it is true in everything.

I believe, gentlemen, that you have confidence that I am telling you the right side of this question and that I know what I am talking about. I hope the motion of the gentleman from Westbrook (Mr. Scates) does not prevail.

Mr. FENLASON of North Anson: Mr. Speaker, if we do not get home pretty soon, all of us are going to starve, even the fishermen.

The SPEAKER: The gentleman from North Anson, Mr. Fenlason, has moved the previous question. As many as are in favor of the Chair entertaining the previous question at this time will rise and stand in their places until counted and the monitors make and return a count.

A sufficient number arose.

The SPEAKER: More than one-third of the members obviously having arisen, the question 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 pending question is the motion made by the gentleman from Westbrook, Mr. Scates, that the House recede and concur with the Senate in the acceptance of the majority report, which was ought to pass in a new draft, the new draft being L. D. 188. All those who are in favor of that motion will rise and stand in their

places until counted and the monitors make and return a count.

A division was had.

Seventy-eight having voted in the affirmative and thirty in the negative, the motion prevailed, and on further motion by the gentleman from Westbrook, Mr. Scates, under suspension of the rules, the bill received its three several readings and was passed to be engrossed in concurrence.

### Conference Report

The committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve in favor of Charles Springer of Hartland, H. P. 144, L. D. 172, have had the same under consideration and ask leave to report that the Senate recede and concur with the House in passing the bill to be engrossed, the report being signed by Messrs. Lancaster of Canaan, Rounds of Portland and Lindsay of East Machias, committee on the part of the House, Senators Kitchen of Aroostook, Weatherbee of Penobscot and Page of Somerset on the part of the Senate.

The report was accepted.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Ashby, has now returned to his seat and the Chair understands that the gentleman from Augusta, Mr. Farris, moves to take from the table order relative to expense account of members of the Legislature, tabled by that gentleman a few moments ago.

The motion prevailed.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, may I ask the floor leader a question through the Chair?

The SPEAKER: Certainly.

Mr. ASHBY: I would like his opinion as a lawyer if a House Order to that same effect would be constitutional.

The SPEAKER: The gentleman from Augusta, Mr. Farris, is inquired of by the gentleman from Fort Fairfield, Mr. Ashby. If he heard the gentleman's question he may answer if he can.

Mr. FARRIS: Mr. Speaker, I would like to inquire through the Chair if the gentleman from Fort Fairfield (Mr. Ashby) would be willing to pay a fee?

(Laughter)

The SPEAKER: The Chair un-

derstands that the gentleman from Augusta, Mr. Farris, is unwilling to give answers to constitutional questions for two dollars a day.

(Laughter)

Mr. ASHBY: Through the Chair I would like to inform the floor leader that as a servant of the State in matters pertaining to the State he is doubtless under moral if not under legal obligations to answer.

Mr. FARRIS: Mr. Speaker, I will speak on the measure, if the gentleman desires.

Mr. ASHBY: I yield to the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, this is not my order and I had nothing to do with drafting it, but I have been informed by the gentleman from Fort Fairfield (Mr. Ashby) that it is constitutional. He has made inquiries from different State officials, I believe he has talked with the Attorney-General. Whether or not he has received an official opinion from any of them I do not know. I will say for the benefit of the gentleman from Fort Fairfield (Mr. Ashby) that in my opinion if this order was passed it would be constitutional.

Mr. ASHBY: A House order?

Mr. FARRIS: A joint order.

The SPEAKER: Please be orderly. The Chair understands the gentleman from Augusta, Mr. Farris—

Mr. FARRIS: It seems useless to debate this question in here at this time under the circumstances, and I move that we recede and concur with the Senate in the indefinite postponement.

The SPEAKER: The gentleman from Augusta, Mr. Farris, moves that the House recede and concur with the Senate in the indefinite postponement of the order. All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion prevailed, and the order was indefinitely postponed in concurrence.

On motion by Mr. Forgue of Lewiston, the House recessed until 3.30 P. M.

### After Recess

The Speaker in the Chair.

The SPEAKER: It will be obviously impossible to keep the members supplied with Advance Journals or lists of the bills to be taken

up from now on. The papers are coming constantly from the Senate and engrossing department, and that means that in order to follow matters closely, as each member should, you must remain within sound of the bell.

Papers from the Senate, out of order.

From the Senate: Resolve proposing an amendment to Article 31 of the amendments to the Constitution, S. P. 75, L. D. 198.

Comes from the Senate, received in that body today under suspension of the rules, read twice and passed to be engrossed without reference to a committee.

In the House:

Mr. CARSWELL of Gorham: Mr. Speaker, I move that this resolution be indefinitely postponed.

The SPEAKER: The motion is not in order. The matter is not yet before the House.

The pending question is the suspension of the closing order preventing the introduction of any measures at this time, and to suspend that order requires a two-thirds vote of the members present. All those in favor of the suspension of the closing order so that this resolve may be introduced will rise and stand in their places until counted and the monitors make and return a count.

Mr. SCATES of Westbrook: Mr. Speaker, I do not think the members understand the thing at all.

The SPEAKER: Well, the members may be seated. The Chair has no information on this matter other than the fact it was handed to the Clerk as coming from the Senate. Can the gentleman from Westbrook, Mr. Scates, explain it?

Mr. SCATES: I do not know anything about it, Mr. Speaker.

The SPEAKER: Let us see if we can start over again. The members will find on their desks L. D. 198. We will take a moment to read it. The House may be at ease while the members look at that document if they choose.

The Chair understands the gentleman from South Portland, Mr. Goudy, is in a position where he can explain the purport of this resolve, and the Chair is very glad to call upon him for that purpose.

Mr. GOUDY of South Portland: Mr. Speaker and members of the House, this morning, if you will remember, we had some discussion

pro and con on the advisability as to whether or not we would permit an amendment to the resolve submitting the 26th Amendment to the people for repeal or retention.

This bill is simply a wolf in sheep's clothing. It is practically the same thing, but in a separate resolve. In other words, if the amendment was defeated, making this so that it would be voted on by the people on that date. So now they have submitted this in a separate resolve, and they want to include it under Section 16 of the Constitution, acts becoming effective 90 days after adjournment—they want to include under different questions that must have a referendum any laws that may involve liquor legislation, so that this bill is supposed to compel the legislatures in the future on the question of any liquor legislation to have a referendum attached so that the people can vote on it, and that is practically and substantially the same thing as the amendment this morning.

The SPEAKER: The pending question of course is the suspension of the closing rule. That question is debatable. The Chair recognizes the gentleman from Houlton, Mr. Tompkins.

Mr. TOMPKINS of Houlton: Mr. Speaker, I do not care to argue the question of the suspension of the rules at all. I interpret this bill entirely different from the member from South Portland, Mr. Goudy. This does not require that liquor legislation be referred back to the people, but it only provides that the emergency clause, which would prevent, in case the people wanted a referendum on it, would prevent it from being invoked—any future legislation would not go into effect until 90 days after the Legislature adjourned, and if the people desired to invoke the referendum they could do so, while if people should pass this under the guise of an emergency people would not have an opportunity to ask to have it referred to them if they wanted to.

Mr. SCATES: Mr. Speaker, I yield to the gentleman from Augusta, Mr. Farris.

Mr. FARRIS of Augusta: Mr. Speaker, I agree with the gentleman from Houlton in regard to the interpretation. That does provide no emergency legislation can go through relating to intoxicating liquors. The question is stated in the

third paragraph: "Shall the Constitution be amended by including among the subjects excluded from the operation of the emergency clause legislation permitting or regulating the manufacture or sale of intoxicating liquors?" That is added to those that are excluded in the Constitution.

Mr. SCATES: I would like to ask the gentleman from Augusta through the Chair, if that pertains only to intoxicating liquors?

The SPEAKER: The gentleman may answer.

Mr. FARRIS: There are four or five other things mentioned in Section 16. This is added to those that are excluded. That is, we could not pass any liquor legislation without the emergency clause attached.

Mr. SCATES: I favor that. Why not make it general.

Mr. FARRIS: I am not saying anything about the merits. I am just explaining the legal effect if we pass it.

Mr. SCATES: It seems to me, Mr. Speaker, that this question is clear-cut, and we want an expression of the people on it, and we want it simple, so they can understand it, without any subterfuge, and I will stand behind the vote of the people when it is clear-cut. For instance, we had several constitutional amendments presented to the people last time, one of them increasing the temporary borrowing capacity of the State. In my opinion if the people had understood that and understood what it meant they would have voted for it and we would not have all this trouble that we are having here today. But they knew nothing about it, and they voted no.

Let us put this thing right squarely to the people so they can understand it, and then let us stand by the vote of the people. I care not what it is, but I want a square deal and a fair deal for everybody.

Mr. FARRIS: Mr. Speaker, the gentleman probably thought I was arguing this resolution. I never saw the resolution until I saw it on my desk here. I will say this has nothing to do with repealing the 26th Amendment to the Constitution. This is an amendment to Article XXXI of the Constitution, Sec. 16, including in the operation of the emergency act this particular thing relating to intoxicating liquors which was passed this morning to go to the people, and this question goes

on the ballot, a separate question, yes or no—Shall it be included?

I am not discussing the merits of the bill. I am just explaining what it means so the members will know what they are voting upon.

Mr. SCATES: Mr. Speaker, the safer way for the members is to vote no and not admit anything so late in the session where we do not understand its full meaning. When I do not understand a thing I am voting no until I find out. I do not want to vote on anything unless I know what it means, what its merit is, and what its result is going to be.

Mr. HOLDEN of Webster: Mr. Speaker, I am somewhat surprised at the statement of the gentleman from Westbrook (Mr. Scates) that the people voted no on increasing the debt limit. Everybody must know why they voted no, because there were three constitutional questions in one resolve. That is why. People voted no for the bond issue who would have voted for the raising of the debt limit.

Mr. HILL of South Portland: Mr. Speaker, the gentleman from Westbrook (Mr. Scates) has intimated he does not fully understand this proposition. I think that is true of most if not all of the members of the House.

This is a resolve proposing an amendment to Article 31 of the Constitution. I wonder whether it would not clarify the situation in the minds of the members if we could have the Clerk read Section 16 of Article 31 as it would be amended by this resolve.

The SPEAKER: I will read Section 16:

"No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency (which with the facts constituting the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace,

health or safety and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate." And this amendment would add to that a fourth exception.

Mr. SCATES: May I ask a question of the Chair? Of course I have understood that any matter of emergency, as you have just read there, that the Legislature is to determine what is an emergency. That has been the practice, has it not?

The SPEAKER: That is correct.

Mr. SCATES: And I do not see why that is not good enough.

The SPEAKER: Is there any further explanation needed?

Mr. AUDET of Lewiston: Mr. Speaker, I want to ask a question through the Chair. This amendment, if I understand it right, will affect legislation only in case of the repeal—if the repeal goes through there could not be any legislation passed with the emergency clause attached.

The SPEAKER: If the Chair understands the situation correctly, this amendment has no effect at all upon the other resolves passed here this morning providing the 26th Amendment to be submitted at the same time for vote.

Mr. AUDET: This will come in a separate ballot?

The SPEAKER: It would be a separate question. It would be like this last election that has been spoken of. There were four constitutional amendments to be voted on at that time.

Mr. LEBEL of Brunswick: Mr. Speaker, do I understand that the unanimous consent of the House is required for the introduction of this resolve?

The SPEAKER: No. The Chair has ruled in accordance with the order that we passed here the second day of the session that the rule—which was in the form of an order that no further matters could be introduced after a date named in it, which I have forgotten but which has long since passed—that order is in effect and said nothing about unanimous consent. In order to have this bill or any other bill introduced in the House that order

would have to be suspended, and under the joint rules it cannot be suspended unless two-thirds of the members present vote in favor of it.

Mr. LEBEL: The way I understand this, according to the interpretation of the gentleman from Augusta (Mr. Farris), it simply means after repeal, if the 26th Amendment is repealed, that the Legislature could not pass liquor laws and make them effective at once in case that should be necessary. Is that right?

The SPEAKER: I can conceive of a situation where the resolve repealing the 26th amendment might not be adopted and this one might: in other words, the effect of this one would depend in no way upon repeal of the 26th amendment. If the 26th Amendment was not repealed and this amendment was adopted, it would apply to the sale of medicinal liquor, for instance, under the Constitution.

The Chair recognizes the gentleman from Veazie, Mr. Mack. The House is still considering the question of suspension of the order.

Mr. MACK of Veazie: Mr. Speaker, speaking on the situation of the suspension of the rule and the introduction of this particular piece of legislation—

The SPEAKER: Yes—and let us try to keep as near as we can to that question, without getting into the merits of the liquor question.

Mr. MACK: It would appear to me, Mr. Speaker, that this Legislature has sufficient important legislation before it that has not yet been disposed of and that we should keep in mind the disposition of these important matters which we still have before us, and that we should not at this time entertain any further controversial matters that have no bearing on the important matters that we should dispose of here.

(Applause)

Mr. BUSHEY of Waterville: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Waterville, Mr. Bushey, has moved the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors make and return a count.

A sufficient number arose.

The SPEAKER: More than one-third of the members having arisen,

the previous question is ordered. 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, contrary-minded no.

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

The **SPEAKER**: The pending question is, shall the joint order introduced earlier in the session be suspended to permit the introduction of this particular bill, and that vote requires for its passage the affirmative vote of two-thirds of the members present. All those in favor of the motion will rise and stand until counted and the monitors make and return a count.

A division was had.

Twenty-five having voted in the affirmative and 107 in the negative, the motion failed of passage and the reception of the bill by the House was refused.

### Conference Report

The committee of Conference on the disagreeing action of the two branches of the Legislature on bill an act to improve the facilities of Maine airports, H. P. 83, L. D. 109, have had the same under consideration and ask leave to report that the House recede and concur with the Senate. The report was signed by Messrs. Lebel of Brunswick, Ward of Thorndike and Mayers of Hallowell, on the part of the House; and by Senators Angell of York, Weymouth of Penobscot and Winn of Androscoggin on the part of the Senate.

The House accepted the report of the conference committee and thereupon voted to recede and concur with the Senate in the indefinite postponement of this bill.

Papers from the Senate, out of order.

Resolve in favor of clerks and stenographers to the several committees of the Eighty-sixth Legislature for the December Special Session, S. P. 76, which was received today in the Senate by unanimous consent under suspension of the rules, given its several readings and passed to be engrossed, without reference to a committee.

In the House, the rules were suspended and the resolve had its two several readings.

Mr. Carleton of Portland presented House Amendment A and moved its adoption as follows:

House Amendment A to resolve in favor of clerks and stenographers of the several committees of the Eighty-sixth Legislature for the December Special Session, S. P. 76.

Amend said resolve by striking out in the second line of said resolve "435" and insert in place thereof "525". Also amend said resolve by inserting in the proper alphabetical place, the following: "Engrossed bills, Ruth Bradford, Engrossing Clerk, \$25.00. Marion Goldberg, Engrossing Clerk, \$25. Marie Frost, Engrossing Clerk, \$25. Jane Faulkner, Engrossing Clerk, \$15."

In the House, amendment A adopted and the resolve as amended by House Amendment A was passed to be engrossed.

The **SPEAKER**: The Chair lays before the House, tabled and specially assigned for today, bill an act to amend an act to redraft the charter of the city of Biddeford, H. P. 155, L. D. 196. This bill was received in the House yesterday on the motion of the gentleman from Biddeford, Mr. Stern, was tabled by the gentleman from Biddeford, Mr. Duquette, at which time there was pending a motion made by the gentleman from Biddeford, Mr. Stern, that the bill be given its several readings and passed to be engrossed, out of order and under suspension of the rules, and without reference to a committee.

On motion by Mr. Duquette the rules were suspended and the bill given its three several readings without reference to a committee and passed to be engrossed.

### Reports of Committees

(Out of order under suspension of the rules:)

Mr. Carleton from the Committee on Appropriations and Financial Affairs on bill an act to obtain Federal Aid for the building of additional accommodations for the Augusta State Hospital (H. P. 24, L. D. 54) reported ought not to pass as the subject matter is covered by other legislation.

Same gentleman from same Committee reported same on resolve appropriating money for Mother's Aid (H. P. 87).

Reports read and accepted and sent up for concurrence.

**Passed to be Enacted**

(Out of order, under suspension of the rules)

S. P. 74, L. D. 188: An act relating to measurement of lobsters.

S. P. 9, L. D. 14: An act to incorporate the Atlantic Seaboard Association.

S. P. 48, L. D. 119: An act relative to marathon and other competitive dances.

**Finally Passed**

S. P. 44, L. D. 184: Resolve in favor of the city of Oldtown.

**(Emergency Measures)**

H. P. 66, L. D. 76: An act to create the town of Monticello School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and twenty-seven voting in the affirmative and none in the negative, the motion prevailed and the bill was passed to be enacted.

H. P. 149, L. D. 178: An act to provide a commission form of government for the town of Houlton.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-two voting in the affirmative, and none in the negative, the bill was passed to be enacted.

H. P. 75, L. D. 81: An act to incorporate the town of Norridgewock School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the

monitors will make and return the count.

A division being had,

One hundred and twenty-two voting in the affirmative and none in the negative, the bill was passed to be enacted.

**Passed to be Enacted**

H. P. 6, L. D. 21: An act authorizing the Governor and Council to institute a building program for State institutions to relieve unemployment.

H. P. 15, L. D. 30: An act relating to temporary number plates on motor vehicles.

H. P. 94, L. D. 140: Resolve ratifying the proposed amendment to the Constitution of the United States permitting Congress to regulate child labor.

**Finally Passed**

H. P. 108, L. D. 179: Resolve in favor of a State pension for Ethel W. Knowlton of Monson.

**(Emergency Measure)**

S. P. 49, L. D. 120: An act to incorporate the town of Brunswick School District.

Mr. LEBEL of Brunswick: Mr. Speaker, I was under the impression this bill had not had its third reading. I wanted to offer an amendment to it. Is it in order to offer an amendment?

The SPEAKER: The Clerk will look at the bill to see what the situation is.

The records show the bill this morning was given its three several readings, the House concurred in the adoption of Senate Amendment A and the bill was passed to be engrossed.

Mr. LEBEL: I would like to offer House Amendment A to the bill.

The SPEAKER: The Chair understands the gentleman from Brunswick, Mr. Lebel, moves to reconsider action taken in the House earlier today whereby this bill was passed to be engrossed.

The motion prevailed, and the same gentleman offered House Amendment A and moved its adoption.

"House Amendment A to S. P. 49, L. D. 120, entitled an act to incorporate the town of Brunswick School District.

Amend said act by striking out the words "a majority vote" after the word "by" in the first sentence

of Section 8 thereof and substituting in place thereof the words "one more than one-half" so that said sentence as amended shall read, "This act as provided in Section 1 thereof shall not take effect unless accepted and approved by one more than one-half of all the legal listed voters of the territory embraced within the limits of said district voting at an election to be called and held for the purpose and for the purpose of electing trustees as provided for in Section 3, not later than sixty days after the approval of this act.

Mr. SARGENT of Brewer: Mr. Speaker, I move that the amendment be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. Sargent, moves that House Amendment A be indefinitely postponed.

Mr. LEBEL of Brunswick: Mr. Speaker, it looks as though the gentleman from Brewer (Mr. Sargent) knows more about Brunswick than I do. The only reason for substituting this for the other—a majority vote and the words one more than one-half mean the same thing. I have just taken the matter up with the Attorney-General, and he feels that a majority vote might have a different meaning, while one more than one-half would have only one meaning.

The SPEAKER: The gentleman from Brewer, Mr. Sargent, moves that House Amendment A be indefinitely postponed. All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion prevailed and House Amendment A was indefinitely postponed. Thereupon the bill was passed to be engrossed.

#### (Emergency Measures)

H. P. 65, L. D. 75: An act to incorporate the town of Tremont School District.

The SPEAKER: This being an emergency measure it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-three voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 100, L. D. 130: An act enlarging the powers of receivers of banks and trust companies.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and sixteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 145, L. D. 174: An act authorizing savings banks to acquire and hold stocks in Federal Reserve banks and Federal Deposit Insurance Corporation.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and fifteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 146, L. D. 175: An act authorizing trust companies to acquire and hold stock in Federal Reserve banks and Federal Deposit Insurance Corporation.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and fifteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### (Constitutional Amendments)

H. P. 10, L. D. 25: Resolve proposing an amendment to the Constitution to provide for a bond issue, the proceeds of which to be dis-



bursed for the construction, improvement and equipment of State buildings.

The SPEAKER: This being a Constitutional Amendment it is necessary that it have a two-thirds vote of the House on its final passage. All those in favor of the final passage of this resolve will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and ten voting in the affirmative and none in the negative, the resolve was finally passed.

H. P. 7, L. D. 22: Resolve proposing an amendment to the Constitution to provide for an increase of the State debt limit.

The SPEAKER: This being a Constitutional Amendment, it is necessary that it have a two-thirds vote of the House on its final passage. All those in favor of the final passage of this resolve will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and fourteen voting in the affirmative and none in the negative, the resolve was finally passed.

#### (Emergency Measure)

S. P. 49, L. D. 120: An act to incorporate the town of Brunswick School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and four voting in the affirmative, and none in the negative, the bill was passed to be enacted.

#### Report of Committee

(Out of order under suspension of the rules)

Mr. Scates from the Committee on Ways and Bridges reported ought not to pass on bill an act releasing highway funds for general governmental purposes. (H. P. 138, L. D. 136)

Mr. SCATES: Mr. Speaker, I move that the report be accepted.

Mr. TOMPKINS of Houlton: Mr. Speaker, I move that the report lie on the table, pending acceptance. I have an amendment to offer later.

The motion prevailed and the report and accompanying bill were tabled, the pending question being the acceptance of the ought not to pass report of the committee.

(Out of order, under suspension of the rules)

From the Senate:

Final report of the committee on Judiciary.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Paper from the Senate, out of order, under suspension of the rules, disposed of in concurrence.

From the Senate:

Final report of the committee on Ways and Bridges.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill an act to empower the United States of America to acquire lands in the State of Maine by purchase or gift for National Forests and granting to the United States all rights necessary for establishment, control and administration of such forests (S. P. No. 11) (L. D. No. 193) reporting that the Senate recede and concur with the House, the Senate to adopt House Amendments "A" and "B" and that the bill be further amended by adding thereto Senate Amendment "A".

(Signed)

Messrs. WEEKS of Somerset,

PAGE of Somerset,

SEAVEY of Oxford,

Committee on part of Senate.

Miss LAUGHLIN of Portland,

Messrs. THOMPSON of Belfast,

TOMPKINS of Houlton,

Committee on part of House.

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended

by Senate Amendments "A" and "B" to House Amendment "A", and as amended by House Amendment "B" in non-concurrence.

In the House, report of the committee accepted.

The House voted to reconsider its action taken yesterday whereby this bill was passed to be engrossed as amended by House Amendments A and B.

The SPEAKER: The Clerk will read the endorsements on the bill of the action taken in the Senate.

The CLERK: The report of the conference committee was read and accepted in the Senate. In Senate Chamber, reading from the endorsement on the bill, bill substituted for report. Read once. Read second time, under suspension of rules. House Amendment B adopted. Senate Amendment A to House Amendment A adopted. House Amendment A adopted as amended by Senate amendment A thereto. Tabled by Senator Littlefield, pending passage to be engrossed, as amended, December 16th Senate Chamber, December 16th taken from table. Senate Amendment B to House Amendment A adopted, and passed to be engrossed as amended by Senate Amendments A and B to House A and as amended by House B.

On motion by Miss Laughlin of Portland the matter was tabled until the Clerk can straighten out the endorsements on the bill.

### House at Ease

#### Reports of Committees

(Out of Order)

Majority report of the committee on Temperance on bill an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts, the bill being H. P. 34, L. D. 49, reporting same in new draft under same title and that it ought to pass. The majority report being signed by the following members of the committee:

Senators Bissett of Cumberland,  
MacDonald of Washington,  
Farnsworth of Arrostook,  
Mr. Littlefield of Alfred,  
Mrs. Carter of Fairfield,  
Mr. Leathers of Hermon,  
Mr. Hobbs of Hope.

and the Minority report of the same committee on the same bill, reporting ought not to pass and sign-

ed by the following members of the committee:

Messrs. Tompkins of Bridgewater  
Stover of Pownal,  
Bucknam of Portland.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Carswell.

On motion by Mr. Carswell, the majority report was accepted; and on further motion by the same gentleman, the new draft of the bill and reports were tabled and specially assigned for later in the session and the new draft ordered read.

On motion by Mr. White of Crystal.

Recessed until 7.30 P. M.

#### After Recess

(8 P. M.)

The Speaker in the Chair.

On motion by Miss Laughlin of Portland, it was voted to take from the table the Conference report of the disagreeing action of the two houses on L. D. 193, an act to empower the United States of America to acquire lands in the State of Maine by purchase or gift, etc; and on further motion by the same member the report of the conference committee was accepted.

The SPEAKER: The Clerk will state the Senate action on the bill and its present, situation.

The CLERK: The Conference report came from the Senate read and accepted and the bill was passed to be engrossed as amended by Senate amendments A and B to House Amendment A and as amended by House Amendments A and B.

The SPEAKER: Is it the pleasure of the House that the action taken previously by the House in passing this bill to be engrossed be reconsidered?

The motion prevailed, and the adoption of House Amendment A was reconsidered and the Clerk read Senate Amendment A to House Amendment A; also Senate Amendment B to House Amendment A.

Thereupon the House adopted Senate Amendment A to House Amendment A in concurrence, that being the one amendment that was reported by the Conference committee.

Thereupon the House adopted Senate Amendment B to House Amendment A in concurrence.

The SPEAKER: The pending

question now is the adoption of House Amendment A as amended by Senate Amendments A and B in concurrence.

Miss LAUGHLIN of Portland: I move that we adopt Senate Amendment B and Senate Amendment A in concurrence, Mr. Speaker. Senate Amendment A was a part of the Conference committee's report. The only change was the further provision to make the provisions of our fish and game laws apply to the national forests.

The SPEAKER: The question is on the adoption of House Amendment A as amended by Senate Amendments A and B in concurrence.

The motion prevailed.

Miss LAUGHLIN: I was simply going to move that the bill as amended be passed to be engrossed.

Mr. GOUDY of South Portland: Mr. Speaker, I am sure I don't know what this is all about and I know the members of the House do not. We are voting on an important matter and it seems to me that we ought to at least have some idea of what these amendments are and of what they consist.

The SPEAKER: Let me state this for the information of the House that House Amendment A was an entire new draft of the bill and these two matters that we have acted upon are both amendments to that bill, L. D. 193. One of them was reported by the Conference committee as a part of its report. The other one is an amendment which was put on by the Senate. Does any member desire to have either or both of these amendments read?

Mr. GOUDY: Mr. Speaker, I think for the benefit of the House, for its information, that we should at least be informed as to what we are voting on. I would like to have the amendments read.

The SPEAKER: The members need not be bothered by House Amendment A any further because that is L. D. 193. It now bears two amendments, Senate Amendments, A and B, which the Clerk will read.

Miss LAUGHLIN: Mr. Speaker, if the members will turn to L. D. 193, they will see the bill and all they will have to listen to and comprehend will be the two Senate Amendments, one preserving riparian rights, the other reserving

rights with reference to the fish and game laws. That's what they amount to.

The SPEAKER: There is one further item of information before we have the Senate Amendments read again. House Amendment B which was adopted simply amended the title by striking out the provision against condemnation proceedings: so that all any member can be interested in, other than the text of the bill as printed in L. D. 193, are Senate Amendments A and B, which amendments the Clerk will now read.

Mr. ELDRIDGE of Eastport: Mr. Speaker, if a second motion is in order. I move that we indefinitely postpone the bill.

The SPEAKER: The Chair will put that motion as soon as the amendments have been read. Will the gentleman defer his motion until that time so that the members may hear the amendments.

Thereupon the Clerk read Senate Amendments A and B to House Amendment A.

The SPEAKER: Are there any further questions about the bill or the amendments? The gentleman from Eastport, Mr. Eldridge, now moves that the bill as amended be indefinitely postponed.

Mr. CHASE of Baring: Mr. Speaker and members of the House: My objections to this bill have been strengthened by the hodge-podge of amendments which have been added to it. I take the position of the leader of the minority party when he says "When in doubt vote no", and I hope that the motion to indefinitely postpone prevails.

Miss LAUGHLIN: Mr. Speaker, what I said yesterday is perhaps in point. The situation is this: The United States is ready to spend two million dollars buying land from people in this State if they want to sell. It has no power to take any land from anybody, but it has earmarked two million dollars if the people of this State want to sell their land for this purpose. From the talk that has been going around in the corridors of the State House one would think that the State would positively lose taxation on this land if the United States Government bought it. They forget that if the United States buys it, it will pay the owners two million dollars which will come into the State to be used; so

that is taken care of right at the start.

Now for the rest of it, I might say—I don't remember whether I said this yesterday—that the only person appearing at the hearing in opposition to this bill, who represented one of the paper companies, said: "This is just a plan to let a lot of these people who own wild lands who cannot pay their taxes on them to get rid of it." He said the State would lose its tax money and the people would lose their land. Under this bill the people would be able to sell their lands and get two million dollars which they can invest in other property and in addition to that we would have a national forest with the United States government spending money every year for it. I have lived in a State where there was several national forests. They make tremendously popular pleasure grounds for the whole people of the State to use with all the trails and paths that the United States provide in them, plus the money that is spent for improvement.

The average tax on wild lands in this State is five cents an acre, in incorporated towns about fifteen cents an acre. The total amount that could be lost in taxation on this land, if the United States government took it over, would be in the neighborhood of forty thousand dollars. The State of Maine now has to pay for fire service in this wild land to the amount of about twenty-five hundred dollars. This the United States would have to pay. In addition to that, any profit from the national forests that the United States make twenty-five per cent of it is paid to the State. In the western States, for instance, they allow sheep to graze in them, and they pay twenty-five per cent of that to the State. In this State, if there were any pulp wood to be cut off and sold, the State would get twenty-five per cent of all the profits. It is a proposition where people are permitted to sell their lands to a customer, get their pay, keep it in the State of Maine, and then we have in addition a national forest for the pleasure and benefit of the people of the State. If the United States takes over land for a national forest, they pay for it and we derive the benefit therefrom. We get two million dollars for our lands and provide a customer for

these people, and that is a tremendous advantage because if you have two customers you are apt to get a much better price than if you had only one, and we know perfectly well that where there is only one customer a land owner will get just what that customer chooses to pay. They say you cannot eat your cake and have it, too, but this disputes that. We can eat the cake, that is, sell it for two million dollars, and still have the cake for the pleasure of the people of this State. The income from it will more than make up any loss in taxation on the land itself. In addition to that we have got the two million dollars in lieu of the property tax. (Applause)

Mr. ELDRIDGE of Eastport: Mr. Speaker, I just want to say a few words on my motion to indefinitely postpone. I hesitate to take any valuable time of the House. We should consider well before passing this bill what we are doing. The Governor said that they have earmarked in Washington this sum of two million dollars for the purchase of this land, but the idea that the government will be willing to do this with these amendments on the bill is absurd. I refer particularly to protecting the water rights, the hunting and fishing restrictions; in fact almost everything imaginable is being protected. Now what is the government going to buy? It is going to buy some land to which we have title, but other than that it would have no right to do anything. This bill is going to Washington to be read and analyzed by some of the best legal minds in the country. My objection to it is on account of the amendments that have been put on which take away any hope that the people of Maine could have in regard to getting the two million dollars. I hope my motion to indefinitely postpone will prevail.

Mr. SCATES of Westbrook: Mr. Speaker, I do not want to talk very much. I hate to talk, but I do like to acknowledge the fact when I can agree with the lady from Portland (Miss Laughlin).

Now in reply to the gentleman back here (Mr. Eldridge) who said the government will not accept it. What of it? We are not hurt any then, are we? If it does not accept it, we are just the same as we are now. Now when the government, or anybody, dangles two mil-

lion dollars before my eyes, I am going to stop and think before I kick it into the ash barrel. I wish we had that two million dollars here this minute. If we had it, we wouldn't be here, would we? When anybody is willing to send two million dollars to the State of Maine, I want to open both arms and say, "Come, Brother, we are here, we want you!"

I am somewhat familiar with the conditions of the forest reservation in the White Mountain region. Recently a paper manufacturing corporation, about which I know, sold and was glad to sell to the United States government one hundred thousand acres of its land, with this reservation—and you can make most any trade with the United States government—and that corporation, while the government had title to the land, had twenty years in which to cut the timber off from it.

Now I don't know as this is a fact, but I have been informed that if the government should take it over, or if anybody should want to sell to the government, and this two million dollars should be invested in this forest reservation, it would put many men to work—I have had it estimated as high as a thousand men—cutting trails, surveying, fire patrol and cutting logs and wood. That would not be a bad idea, would it, in these times, to put a thousand men to work with the government paying for it? I have also understood that the government would pay in the shape of taxes either to the State, if it was unincorporated land, or to the towns that were incorporated, twenty-five per cent of the gross—not the net income. That would be some help, and under all the conditions it seems to me, as the member from Portland has said, it is a cake that you can have and eat it, too.

Mr. FARRIS of Augusta: Mr. Speaker, I want to go on record as being opposed to the motion of the gentleman from Eastport (Mr. Eldridge) to indefinitely postpone this bill. First, I was opposed to the condemnation rights in the bill; but that objection has been eliminated and redrafted and passed on to the committee of conference. To my mind all the objections have been removed so that the State is safeguarded. There is nothing I can

add in regard to the benefits the State would derive under the National Forestry Act. I can see no harm in passing this bill to give the land owners of Maine the right to sell if the government wants to come in here and buy with these restrictions. For that reason I believe this Legislature should pass this bill as it is. As I understand the money is earmarked in Washington for the purpose of establishing a National Forest Reserve here in Maine. If they do come in, it will put one thousand men to work, as has been said, in building trails, roads, surveys, fire protection and patrol. In Vermont last year the average price the government paid for wild land was \$15.30 per acre, and that is one reason I presume why the paper companies are against this bill and all the vested interests. It would raise the price of lumber and they could not buy their pulp wood so cheap. For the reasons I have stated I am opposed to the motion of the gentleman from Eastport, Mr. Eldridge, to indefinitely postpone.

Mr. ELDRIDGE: Mr. Speaker, I think the gentleman from Augusta (Mr. Farris) struck the nail squarely on the head when he said this bill was an opportunity to give the timber land owners of this State a chance to unload their lands. It seems to me if we are going to help anybody in the State, we should help the small man rather than the timberland owner. I do not think the Governor had any such information as the gentleman from Westbrook (Mr. Scates) gave us here in regard to a thousand men going to work cutting trails, and so on; in fact, the Governor knew very little about the bill. He knew that in Washington they had two million dollars earmarked, but other than that he was not saying what would be done or anything else. In fact, while I cannot quote him, I think the Governor would say that you might just as well leave it alone.

Mr. TUPPER of Calais: Mr. Speaker, what our counties need is taxes. We need taxes, not cake, and I am reminded of that expression, "all is not gold that glitters." Last winter we repealed the State Auxiliary Forest Law. I was opposed to repealing it, but I cannot conceive voting against this bill who voted for that one. This is infinitely worse.

Mr. MASON of Mechanic Falls:

Mr. Speaker, I would like to have it explained to me. We have had trails and improvements mentioned in this discussion. I did not understand this was a National Park. I understood that it was a National Forest, and I was not aware of the fact that a National Forest was improved in the way a National Park was improved. Is there any assurance that this would be developed into a National Park?

Mr. SCATES: Mr. Speaker, in reply to the gentleman, I would say that in New Hampshire they are cutting trails in their Forest Reservation.

Mr. MASON: It is not a National Park?

Mr. SCATES: It is a Forest Reservation.

The SPEAKER: The pending question is the motion of the gentleman from Eastport, Mr. Eldridge, that the bill be indefinitely postponed. All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion failed of passage.

On motion by Miss Laughlin, the bill was passed to be engrossed as amended in concurrence.

#### (Emergency Measures)

S. P. 59, L. D. 182: An Act to incorporate the Sullivan Water District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and nineteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 24, L. D. 39: An act to incorporate the town of Orono School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-three voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 104, L. D. 147: An act to incorporate the Bluehill Water Company.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 148, L. D. 180: An act relating to the School Board of the city of Lewiston.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-one voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### Passed to Be Enacted

(Out of order, under suspension of the rules)

(S. P. No. 16) (L. D. No. 51) An act to incorporate the Islesboro Transportation Company

(S. P. No. 70) (L. D. No. 176) An act authorizing the State Highway Department to cooperate with the Federal Government

(H. P. No. 8) (L. D. No. 23) An act to provide for the issue of State of Maine improvement bonds

(H. P. No. 154) (L. D. No. 194) An act relative to inheritance and estate taxes

#### (Emergency Measure)

S. P. 2, L. D. 8: An act to amend the law relating to savings banks investments.

Mr. FARRIS of Augusta: Mr.

Speaker, I move that the House reconsider its action whereby this bill was passed to be engrossed.

Mr. HOLDEN of Webster: Mr. Speaker, I object to reconsidering at this late hour. It would have to go back to the Senate and come back here again and this would take a lot of time.

The SPEAKER: The pending motion is the motion made by the gentleman from Augusta, Mr. Farris, that the House reconsider its action taken earlier in the day whereby this bill was passed to be engrossed.

A viva voce vote being taken, the motion prevailed.

Thereupon Mr. Farris offered House Amendment A and moved its adoption as follows:

House Amendment A to S. P. 2, L. D. 8, entitled an act to amend the law relating to savings banks investments.

Amend said bill by striking out in said bill the emergency preamble and the last paragraph entitled "Emergency clause".

A viva voce vote being taken, the amendment was adopted; and on further motion by the same gentleman the bill as amended by House Amendment A was passed to be engrossed in non-concurrence.

#### Passed To Be Enacted—Continued

H. P. 96, L. D. 127: An act to increase the staff of the Commander-in-Chief to six by adding an additional member with the rank of Lieutenant-Commander.

#### (Emergency Measure)

H. P. 153, L. D. 195: An act to create the Deer Isle-Sedgwick Bridge District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and twenty-two voting in the affirmative, and none in the negative, the bill was passed to be enacted.

#### Passed To Be Enacted—Continued

S. P. 39, L. D. 107: An act to amend Chapter 137 of the Revised Statutes by repealing those portions

designed for the enforcement of Federal prohibition.

#### Finally Passed

H. P. 144, L. D. 172: Resolve in favor of Charles Springer of Hartland.

#### (Emergency Measure)

H. P. 150, L. D. 192: An act relating to elections in the city of Biddeford.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and six voting in the affirmative and none in the negative, the bill was passed to be enacted.

Paper from the Senate, out of order and under suspension of the rules.

From the Senate: Bill an act appropriating moneys for anticipated overdrafts for which no legislative appropriation has been made, and to provide for the carrying on of the activities of departments for the remaining months of the fiscal year, ending June 30, 1934, and for the fiscal year ending June 30, 1935.

Comes from the Senate, received in that body by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed.

In the House:

Mr. FERNALD of Winterport: Mr. Speaker, would there be any objection to knowing what that bill is about?

The SPEAKER: The bill is not quite in position to make a motion to table until we have received it. If the gentleman will wait until the House has voted to accept—

Mr. FERNALD: My point is that it might be such a matter that we might not even wish to see it.

The SPEAKER: Does the gentleman desire to have the bill read?

Mr. FERNALD: If you please, Mr. Speaker.

The SPEAKER: The Clerk will read the bill. The Chair understands that the gentleman would be willing to have omitted the usual

emergency clause and the last section.

Mr. FERNALD: Yes, we are all familiar with that.

The SPEAKER: The Clerk will read the bill except the emergency provision.

(Bill read by the Clerk)

Mr. CARLETON of Portland: Mr. Speaker, perhaps I can explain some of the items which have just been read. This last special session cost about \$5,000. You can reckon it costs about \$5,000 a day to run a special session. The payroll of this special session is about \$11,000. That includes mileage and payroll of members and employees. The mileage is about three thousand dollars. It has been determined by the Controller, the Budget Officer and others, and by the Governor, that it is necessary at this special session to raise \$1,800,000. It is proposed to do this in part by a tax collection measure, which it is estimated will return about \$600,000 in back taxes. Now we have paid out this year, since last July, \$113,000 for mother's aid, and we must set up \$20,000 more for mother's aid to carry it to next July, and for the next year \$40,000 more to take care of those people because we have 280 cases at the present time on the waiting list. In other words, we close our books July 1st next and the appropriation will require \$473,200. If there are any questions you want to ask, I will try to answer them.

The SPEAKER: All those in favor of suspending the rules against the introduction of any new measure in this Legislature will rise and stand until counted, and the monitors will make and return the count. We are simply voting now on the question of whether the bill should be received in this body which requires a two thirds vote of the members present.

A division being had,

One hundred and nine voted to suspend the rules, and the bill was received. Thereupon the bill received its three several readings under suspension of the rules, and was passed to be engrossed in concurrence.

### Recess

Papers from the Senate, out of order, under suspension of the rules.

From the Senate: Ordered, the House concurring, that a committee of seven be appointed, three on

the part of the Senate to be appointed by the President, and four on the part of the House to be appointed by the Speaker, to meet forthwith and recommend economies to save approximately \$500,000 in the current fiscal year to balance the budget and approximately the same amount for the next fiscal year to provide for contingencies.

Comes from the Senate, read and passed, and the following appointed on the part of the Senate: Senators Weeks of Somerset, Kitchen of Aroostook, Jackson of Cumberland.

In the House, the order was read and passed in concurrence, and the Chair appointed on the part of the House Messrs. Farris of Augusta, Friend of Skowhegan, Jones of Winthrop and Smith of Vinalhaven.

### (Brief recess)

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Smith.

Mr. SMITH of Vinalhaven: Mr. Speaker, I feel I would be incapable and incompetent to serve on the committee which you have just appointed.

The SPEAKER: The Chair understands the gentleman from Vinalhaven, Mr. Smith, asks to be relieved from serving on the joint committee just appointed. If there is no objection, the consent of the House is given for him to withdraw from the committee.

Permission to withdraw was granted.

The SPEAKER: The Chair appoints on the committee, in place of Mr. Smith, the gentleman from Westbrook, Mr. Scates.

Mr. SCATES of Westbrook: Mr. Speaker, usually I am willing to do my part, but conditions are such around here that I am going to wash my hands of the whole thing, and I do not care to serve.

The SPEAKER: Is the gentleman from Belfast, Mr. Thompson, willing to serve on the committee.

Mr. THOMPSON of Belfast: No, Mr. Speaker, thank you. I do not want to serve on the committee.

Mr. BELANGER of Winslow: Mr. Speaker, I do not think there is any member of the minority party who cares to serve on that committee.

The SPEAKER: The Chair appoints on the committee, to serve with the other members who have been appointed, the gentleman from Masardis, Mr. Smith.



Mr. SMITH of Masardis: Mr. Speaker, I would not care to serve on the committee.

Mr. PIPER of Bangor: Mr. Speaker, if you want me to suggest, perhaps the gentleman from Winterport (Mr. Fernald) is an available man.

(Laughter)

The SPEAKER: The Chair appoints on the committee the gentleman from Auburn, Mr. Flanders.

Mr. FLANDERS of Auburn: Mr. Speaker, I am utterly incompetent to serve on that committee, because I know nothing about the situation. So many men who have had so much more experience than I in legislative matters have refused to serve, I think it would be better to get some one with more legislative experience.

The SPEAKER: The Chair appoints on the committee the gentleman from Houlton, Mr. Tompkins.

Mr. TOMPKINS of Houlton: Mr. Speaker, if the other members of this House are afraid and ashamed to assume the responsibility when they have better knowledge of these affairs than I have I am willing to serve.

(Applause)

The SPEAKER: The members will find on their desks Legislative Document 199, which is new draft reported by the Committee on Temperance, of an act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts. The Chair assumes the members would like to take a few minutes to look this over before acting upon it. Is there any other business to come before the House at this time while the members are reading this document?

(Brief recess)

#### Passed to Be Enacted

(Out or Order, under suspension of the rules)

#### (Emergency Measure)

(S. P. 73) (L. D. 183) An act relative to ice fishing in the inland waters.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the

monitors will make and return the count.

A division being had, One hundred and twenty-two voting in the affirmative and none in the negative, the bill was passed to be enacted.

On motion by Mr. Mack of Veazie it was voted to take from the table the first tabled and unassigned matter on the Calendar, being House report, ought not to pass of the Committee on Inland Fisheries and Game on bill an act authorizing the opening of certain waters to fishing (H. P. 110) (L. D. 163), tabled by that gentleman December 14, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Mack of Veazie, it was voted to take from the table the second unassigned matter, House Report, ought not to pass of the Committee on Inland Fisheries and Game on bill an act relating to ice fishing (H. P. 62) (L. D. 72), tabled by that gentleman December 14, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Mack of Veazie, it was voted to take from the table the third unassigned matter, House Report, ought not to pass of the Committee on Inland Fisheries and Game on bill an act to repeal an act entitled an act relating to closed season in the several waters of the State (H. P. 109) (L. D. 151), tabled by that gentleman December 14, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

The SPEAKER: The Chair understands the gentleman from Gorham, Mr. Carswell, moves to take from the table the two reports of the Committee on Temperance on L. D. 199, An Act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts, tabled by that gentleman earlier in the session, pending acceptance of either report.

The motion prevailed.

The SPEAKER: At the time the matter was tabled, the pending question was the motion of the gentleman from Gorham, Mr. Carswell, that the majority report of the

committee, ought to pass, be accepted, and the Chair recognizes that gentleman.

Mr. CARSWELL of Gorham: Mr. Speaker and members of the 86th Legislature, after having had an opportunity to read and digest this bill, I am certain you will agree with me that from a moral standpoint this measure is one of the most important before this body, because it will rid the State of hypocrisy and insincerity, remove the necessity for bootlegging, and permit our citizens to purchase pure liquor for medicinal purposes only from a responsible source.

Do you realize that it has been illegal to purchase any liquor in the State of Maine for medicinal purposes since 1911? During Federal prohibition, physicians, dentists, and osteopaths, the first of January could procure a reasonable amount of medicinal liquor. That, of course, he could pass on to his patients as necessity offered.

At the present time it is impossible for anybody in the State of Maine to purchase one drop of medicinal liquor legally.

I assume you noticed in the morning paper where a Portland hospital was required to buy alcohol from a bootlegger for the purpose of making tincture of iodine. I suppose you also read in the evening paper where the sheriff of Cumberland County, the acting sheriff and the county attorney, assured the hospital that he could not give them legally any liquor which had been seized by the officials and was impounded in the rum room. I assume you also noticed in the morning paper that there was a huge seizure of bootleg alcohol in Aroostook County.

Ladies and gentlemen, the citizens of Maine demand the right to purchase medicinal liquor legally, and surely it could not be dispensed or furnished by a more capable body than by the pharmacists of the State of Maine.

Let me assure you that the druggists of Maine do not propose and would not for one minute consider handling beverage liquor. I asked the secretary of the Beer Commission today how many druggists in the State of Maine were selling beer, and he assured me that less than one-tenth of one per cent of the druggists of Maine have taken out a license to sell beer.

I ask the members to just think a moment and consider the men in your home towns, the druggists there, in whom you repose confidence. I ask you to think of them as the men who will dispense liquor under the provisions of this law.

This is indeed a most just law. I am certain you have looked it over carefully. You have read the provisions of it.

No person can start a new drugstore for the purpose of selling liquor. In order to become licensed to handle liquor for medicinal purposes only, mind you, he must first be approved by the Board of Pharmacy, and then again by the State Licensing Board. I trust you have read the provision that no liquors will be displayed in any store. I trust you have noticed the provision that no liquor will be advertised by any druggist.

Gentlemen, the pharmacists of the State of Maine are willing to accept this responsibility. They are men in whom you impose confidence.

There has come a time in your life when there has been sickness in your home, when you have gone into the drug-store with a prescription, someone whom you loved was lying upon a bed of illness, and you were wondering whether or not they would recover. That prescription was taken to the back room of the pharmacy and dispensed carefully. You had confidence in that man. You knew he would dispense that prescription according to the directions of your physician, and when you carried it home you had faith that it would work and bring your loved one back to health.

Your doctor has confidence in the pharmacist. The pharmacist is nothing more nor less than a cook to the doctor, to prepare his prescriptions.

During past years the druggists of the State of Maine have dispensed narcotic drugs—and narcotic drugs involve more misery in the world than ever liquor did—and I challenge you to find one instance where they have not done their full duty, where they have not complied with every regulation. It is a responsibility we are about to assume. But, my friends, the people of the State of Maine demand an opportunity to purchase pure liquor for medicinal purposes only. The pharmacists of the State of Maine will accept that responsibility, and I assure you they

will accept it carefully and they will not violate any provision of it. Liquor will be sold in the pharmacies of Maine only for medicinal purposes. Your constituents are anxious for that privilege, and I trust the members of the House will have confidence enough in the members of my profession to hand down to us this responsibility which we are willing to assume.

I trust, Mr. Speaker, that the majority report of the committee may be accepted.

(Aplause.)

The SPEAKER: The pending question is the motion of the gentleman from Gorham, Mr. Carswell, that the House accept the majority report of the Committee on Temperance, which was ought to pass, on Legislative Document 199.

Miss LAUGHLIN of Portland: Mr. Speaker, before speaking on the bill, I simply wish to discuss what it proposes to do. When it comes to the bill I shall not have much to say.

I think it must be evident to everybody in this House, and I think every member in this House is sufficiently intelligent to see by reading this bill that it is in no sense a bill for medicinal liquor. It is a bill to make every drug-store a saloon at a very low license, under the subterfuge and hypocrisy of calling it a bill for medicinal liquor. You only have to read it to see what it attempts to do: It attempts to re-establish the saloon in this State at a very low license, providing there is a registered pharmacist kept upon the premises.

You look at Section 2 at the top of Page 6, and you will find that a person to get a license does not have to be a pharmacist, he just has to own a store for a pharmacy, and so long as he has a man on the premises who is a registered pharmacist it does not even require that. If, as the gentleman said, the purpose was for medicinal liquor, that committee had before it a bill that provided for liquor for medicinal purposes on a doctor's prescription—and I will say right here that I personally would have voted for such a bill which was absolutely limited and offered complete protection. That bill that committee saw fit to turn down.

Now if we want to sell medicinal liquor, we do not need a Commis-

sion with salaries and all of the restrictive provisions of this bill to sell medicinal liquor. We need just the provision that it may be sold for medicinal purposes on the prescription of a regular and duly licensed practicing physician, and in no other way. That is all we need. We do not need licenses and we do not need a Commission or the whole rigmarole of definitions.

I say anybody of ordinary intelligence can read this and see it is simply an attempt to reestablish saloons in the State of Maine, and, in addition, to put Maine before the world as a complete hypocrite. Other people can read the bill just the same and see it is pure hypocrisy and camouflage, just like the Massachusetts bill, calling it a tavern instead of a saloon, but providing everything that is around a saloon. That is what this bill does. You do not even have to be a pharmacist to get it. I for one, apart from any views I have in regard to the return of the saloon, certainly feel disgraced to have Maine play the part before the world of such an arch-hypocrite as this bill would make it.

I am saying this on the assumption that the bill would accomplish what it is planned to accomplish. I am not going to discuss whether it would do what it is trying to do or not; I am just discussing what it is trying to do. It is perfectly evident.

I got a letter from a man, not a pharmacist but a man who owns a pharmacy. He didn't make any bones about a medicinal bill, he says, "I hope you will vote for a bill for drug stores to sell hard liquor." That is what he wanted. That is all this bill tries to do and all it attempts to do. As I said, I am not going to talk much, because the intelligent members of this House by reading this bill can see for themselves what it attempts to do. I am not saying whether it does what it attempts to do or not.

The Supreme Court has already said that the matter of transportation of liquor in this State is subject to referendum at this time and it stays in force and no legislation on that line can alter it, so of course we stop all transportation any way under the Supreme Court decision.

Now, as I said, I am not going to discuss this bill, because it does not take much intelligence to know

what it means. Make up your minds whether you want the saloon back in Maine. Whether you call it a saloon, tavern or drugstore, it is all the same thing.

I am just going to say one word more. We had here tonight evidence of absolute party cooperation, party loyalty. When the Speaker tried to appoint man after man on the committee not a Democrat would serve. They might just as well have said: "It is up to you fellows to balance the budget. Go ahead and do it. We won't." So you see they are doing all they can to shift the burden and the responsibility onto the Republicans. I wonder if the Republicans have got any party spirit similar to this? I wonder if this exhibition of absolute party cooperation to put the Republicans in a hole will teach them anything? As one Democrat said: "We are perfectly satisfied to have Republican Party pull the chestnuts out of the fire for us." I heard one of them say tonight: "We Democrats do not have to do anything but sit here and let you Republicans put our program over for us." That is what they all say in their hearts, and that is what we have been doing. They are not putting any program over for us, when every single man in both the House and the Senate refused to serve on a budget committee. "Let you fellows balance the budget. It is up to you. We don't have to do anything."

I wonder if that has taught the Republicans of this House anything, or are they still going to run around like little dogs at the heels of the Democratic party and wag their tails when they hear the whistle?

(Applause) (Laughter)

I hope we have learned enough this morning to stop, to refuse to assist in putting over the Democratic program in establishing what their leader said: "So we can get pure liquor." He didn't talk about medicinal liquor. That is just a label to get it over.

If we are going to keep up that sort of thing, I wonder what confidence you can expect the people of the State to have in any party name—for that is all it will be, with no program, leaderless, purposeless, until the Democrats tell them where to head in. I say it is time to defeat this bill.

(Applause)

Mr. WHITTEN of Lee: Mr. Speaker, as the youngest member of this House, I want to go on record as in favor of the majority report on this bill. I think we are all intelligent enough to realize that this State will be a hot-bed for illicit liquor between now and the first of September unless this bill is adopted.

The SPEAKER: The pending question is the motion of the gentleman from Gorham, Mr. Carswell, that the majority report of the committee, which was ought to pass in new draft, the new draft being L. D. 199, be accepted.

Mr. CROWELL of Weston: Mr. Speaker, along with you I have looked forward in anticipation to the time when this document would be laid on our desks. It has been rumored, whispered about and talked about in the corridors of this House for upwards of two weeks, and I wondered what it would be. Of necessity, it required a hasty reading, but, in looking it over and going into the details as much as possible, it looks to me nothing more nor less than a scheme to force upon the people of this State low license places for the distributing of intoxicating liquor.

If we need liquor for medicine and for our hospitals, why should the person who supplies that need to pay a license for doing a legitimate business?

Ladies and gentlemen, we are proud of our American citizenship, we are glad that we have looked the world in the face and stood in large measure for the things that are right, and I am wondering tonight, at five minutes to eleven, after two weeks of whispering and lobbying, if they think they can stam pede us and put through, when we are tired, a bill to do what this bill will do.

Ladies and gentlemen, if we are going to have rum in Maine for revenue, let us have it for revenue. If we are going to stand for the things that are sober and right, let us stand for the things that are sober and right. But let us not sell out on a low license scheme.

As citizens of Maine, we still believe in things that are right, and I believe that we will vote tonight for the things we have stood for in the years that are passed. Mr. Speaker and gentlemen, let us not

at this late hour vote for a low license liquor selling establishment in the State of Maine.

Mr. STERN of Biddeford: Mr. Speaker and members of the House, I will not vote for that bill. I hope my friends realize that on matters of this kind I am with you and believe that we should have liquor, but I would like to have it in some other way than this bill gives it to us. Do not be disappointed if I vote against this bill, do not think I am selling out to anybody. I believe a bill could be drafted which would take care of this matter in a proper way. I do not think we should try to teach people to drink and then have them buy their liquor from bootleggers. If we could have public stores, at least we would be interested to control it, we would not be interested to sell two quarts of legalized liquor and three quarts of bootleg.

I made a study of this matter in Massachusetts. If you got a doctor's prescription and went to the drug-store to get the liquor it was bootleg, but the real stuff was sold to their friends. We would have the same thing here. I believe in liberty. I do not think if a man takes a drink there is any harm. I never drink. I think we should have control. I would be the last one to come in here and misrepresent anybody or try to hurt anybody's feelings, but that bill is not satisfactory to me as a method of control. Don't depend on me. All of you are friends of mine. I am not a dry but I will not vote for this measure. I will vote it down. You might as well draft something else.

Mr. OLIVER of Bath: Mr. Speaker and members of the House, I attended the hearing last Wednesday before the Temperance Committee. This bill and the bill for State stores came up. I made the statement, and I am going to make it again, that I would rather have the State store; I would rather have one rum shop in my town than five.

Now I know something about drug stores. There are honest men, good, upright men in the drug business, but I had seven rum shops in my town, called drug stores, when I was Sheriff of Sagadahoc County. I pressed them so hard that one of the druggists who had a permit to

hibition Director, Mr. May,—he was manufacturing stuff and selling it with paregoric—and I went to Mr. May and Mr. May took his permit away from him.

I had another man who had two drug stores, and I pressed him so hard that he could not get the liquor. I noticed men who went in there coming out and going down on the wharf, and I went down on the wharf and I found it was Jamaica ginger they were drinking. I went down to the freight shed, and he had twelve cases of Jamaica ginger there, and don't you think I didn't get after him. That was before the courts decided that Jamaica ginger was liquor.

Now if we are going to have a bill to sell liquor, why not give it to the hairdressers?

(Laughter)

Or why not give it to the grocery store. Why pick out a certain class and pass legislation here for them?

I read in the paper this morning where it would bring in from \$500,000 to \$750,000. Well, look ahead for a great epidemic. There is going to be an awful epidemic if this thing is passed. I want to go on record as utterly opposed to it. If it was for stores controlled by the State, I should certainly vote for it, but for it to be given to a certain class to say that I am sick or you are sick, I am not for it.

Mr. BENNETT of Presque Isle: Ladies and gentlemen of the third session of the 86th Legislature, this is almost the first time I have dared to stand up in this body, but I have got up my courage, and I am up here to discuss a little bit this bill No. 199.

It seems to play around the doctor. They are the fellows who are going to prescribe the medicine so that the druggist can sell it. Now I have practiced medicine for 34 years in the State of Maine, and I have yet to find a case where alcohol is needed. I do not believe anybody has gone to an untimely grave for the want of alcohol to save them. The old galenics as we call them, tinctures and fluid extracts, we use very little. The modern medicine is in the form of powders, pills and tablets, and the alkaloids. The alkaloids are the purer extracts of the drug, that is they are the medicinal part of the drug and they are not used in alcoholic

prescriptions; they are used in pills and powders, hypodermically and otherwise. There are very few doctors in the State of Maine who prescribe alcohol or liquors of any sort, and if the druggist thinks that we are going to prescribe alcoholic liquor for him to sell, he is very much mistaken.

Now if I was going to do it, I will tell you how I would do it. I would get my town to vote local option, which I think I could, and then I would prescribe an ounce dose, which is a medicinal dose, and charge the man a dollar; and in a few minutes he would be back and want another ounce, and so I would keep on all day long, and I could get hundreds of dollars a day by prescribing medicinal liquor in a medicinal dose. We could reap a harvest. I suppose I ought to keep still so I could get the money and have the druggist the goat in selling it.

Now I have talked with the druggists in my town. We have three druggists. Two of them said, "We will not handle liquor in any form; we do not want to be handling it for the next six months or nine months and then be called a gin mill the rest of our days." They will say, "Go down to that gin mill and get it." And they will be brewing at the end of that time. The third man I did not talk with, but I do not think he will handle it. I do not think they will handle it in my town. My town, you know, is a pretty dry town. (Laughter)

A lot of them think that is not so, but I can prove it by men in this Legislature. Any man who is looking for liquor in any town can get it from a bootlegger, but I have more respect for the bootlegger and always did than I do for the man who buys it of the bootlegger. There would not be any bootleggers if the best citizens did not buy it. It is so in every town; they patronize the bootlegger and they keep him going.

Over in the Province they have liquor stores. They do not sell liquor holidays or Sundays, but the bootleggers go there and buy their supply Saturday or the day before a holiday, and they doctor it up and sell it during Sundays and holidays, and they have just as much bootlegging in the Province where they have liquor stores as they ever had in Maine, and I can prove that also.

Now I am not for this bill. I am not for liquor stores. I am not for liquor in any way. I do not believe it is needed. I know it is not necessary. If any man dies for the want of liquor, he ought to die. It never was intended for a medicine. It has its place, I admit. Perhaps when you talk about mechanical purposes you must mean automobile mechanics, and when you talk about liquor for the arts, I realize "The Raven" might never have been perched over your chamber door, or you might never have heard the "tintinabulation of the bells" if Edgar Allen Poe had never taken a drink.

I want to tell you that liquor is not a stimulant except in very small doses. After that amount is exceeded it is a depressant, and it is an acute poison. When a man gets full of liquor, drunk, as we call it, comatose, does not know where he is or what he is doing, he is poisoned just as much as though he had taken any other poison, and he has got to lie around until that alcohol is eliminated from his system. Now fifteen hundredths of one per cent in the blood will get you drunk. More than that is a poison. You eliminate 10 cubic centimeters in an hour, if your emunctory or eliminating organs are in order, but if your kidneys are not in good condition you do not eliminate it so fast; you get drunk quicker and have that good time after you come out, you want more liquor and say you have got to have it. It creates a craving, and it is an awful bad thing for people who think they have some illness to take it, because when you drink I am certain that the mind is unhitched from morals, and it is unhitched from about everything that a man ever held to. He is a fool and he does things that he would not do in his right mind. It poisons his brain, there is no doubt about it, and it brings his ruling passions to life; if his ruling passion is to sing, he sings, if it is to dance, he dances, if to break somebody's head with a shillalah, he does that.

Did you ever hear the story of the Swede who came down when they used to come down on the potato cars to fire them up and keep the potatoes from freezing? He was very cold, and he got most to Boston. It was in the days of the saloon, and he said, "I guess I will get some whiskey when I get down to Boston. What kind do you think I

I had better get?" "Oh," they said, "get some squirrel whiskey, that is the best kind." So he went in, put his foot up on the brass rail, and said to the bartender, "Have you got any Squirrel whiskey?" He said, "I don't know, but I look around and see if I have got some." He looked around a while and came back and said, "No, we haven't got any Squirrel whiskey, but we have got some Old Crow. Won't that do?" "No, no, I don't want to crowd, I just want to yump around a little."

(Laughter)

Now ladies and gentlemen of the Legislature, John Barleycorn has been gone some time, the bootleggers and others have dealt in his product, and he is giving a rap at the door of the State to come in. Are we going to let him in? If we do, he must give the countersign, and this countersign must be answered by the Chief Executive of the State, because he signs the bill. Now this is the countersign that John Barleycorn gives, and it is the attitude of every man and woman who drinks. I am going to give you the countersign, and I am going to leave the interpretation of it to you people as you understand it. It is this: He stands up facing the Chief Executive, we will say, and extends his hands out at right angles to his body, palms forward and thumbs up, and he flexes his arms, like this, and that brings them to the front, palms coinciding, and then brings them to his nose and carries one hand by the other. That is the attitude of every person who drinks—he says, "I don't give a damn for anybody."

Now the countersign, the answer to this sign, is given in this same way, except he brings his hands to the side of his head and flops his hands three times, and then brings them down across his mouth, lets them rest a little time on this mouth and drops them to his side, indicating that he has some brains, and he ought to use them before he opens his mouth too much. That is the answer to the countersign. Now John Barleycorn is in, and the rest of you can coddle him, look after him and drink his product and get well acquainted by putting your arms around his neck. But I am not going to. I am not going to vote

for this bill, and I hope it does not pass.

(Applause)

Mr. HANSON of Cumberland: Mr. Speaker, I resent the implications that have been placed upon my colleagues, the members of the Maine Medical Association, the doctors in this State. I do not believe any of the druggists I am acquainted with intend to make a speakeasy or a saloon out of the drug store. If you will remember, and some of you perhaps do, an article signed by the Council of the State of Maine, you will know the position of the physicians in this State. I agree with that heartily.

I do, however, think that you trust your druggist to compound prescriptions containing alkaloids or drugs or strichnia. As far as morphine and narcotics are concerned, we have the Harrison Act to supervise it. If the druggists handle narcotics, which are a greater menace than alcohol ever was, why are they not capable and why are they not to be trusted.

I have two druggists that I patronize, and they are both the very best type of men, and if you trust them in compounding prescriptions with strichnia, morphine and those things, couldn't you trust them to do this and do it rightly? Thank you.

(Applause)

Miss MARTIN of Bangor: Mr. Speaker, I move the previous question.

The SPEAKER: The member from Bangor, Miss Martin, moves the previous question. All those in favor of the Chair entertaining the motion for the previous question at this time will rise and stand in their places until counted and the monitors make and return a count.

A division was had.

The SPEAKER: It is very obvious that a sufficient number have not arisen, and the motion fails.

Does the member from Bangor, Miss Martin, desire to speak?

Miss MARTIN: No, Mr. Speaker.

Mr. CARSWELL: Mr. Speaker, I am certain the able member from Portland (Miss Laughlin) does not desire to make any statement which is not correct. If I understood her correctly, I inferred to her remarks that medicinal liquor could be obtained in the pharmacy other than from a registered pharmacist.

Now I call your attention to Sec-

tion 5, Article 2: "Retail Licenses. A retail license may be granted by the Board of any person, firm, partnership or corporation who shall be the owner of a bonafide pharmacy, who may or may not be a duly licensed pharmacist under the laws of the State of Maine; but if the owner is not a duly licensed pharmacist, he must have in his employ a duly licensed pharmacist; and in either case, the application for a retail license must be accompanied by a certificate from the Board of Pharmacy signed by its secretary, stating that said applicant is a registered pharmacist" and so forth.

Mr. Speaker, what is a registered pharmacist? There is in the State of Maine a Board of Pharmacy which examines applicants. Before one is admitted to examination he must be a young man of good moral character, a citizen of the United States, 21 years of age; he must be a graduate of a high school and also a graduate of a recognized college of pharmacy. The training is intense; one must spend a great deal of their time in studying before they are capable of entering the profession of pharmacy.

The distinguished gentleman from Bath (Mr. Wright) alluded to the old days when Jamaica ginger was sold in pharmacies. Those old stores have been eliminated. I imagine in some sections there may be a small proportion of that sort of store, but they have been largely eliminated, and there is a provision in this bill that if the law is not lived up to conscientiously they can be removed from any community.

I would also bring to your attention the local option provision of this bill. Any time, upon petition of 15 per cent of their citizens they may bring the matter before their town meeting and decide whether they care to have medicinal liquor dispensed by the druggists.

Let me assure you, ladies and gentlemen, that the druggists of the State of Maine are not going into the rum business, and they do not desire to and they will not sell liquor promiscuously. We will sell it for medicinal purposes only.

The distinguished gentleman from Presque Isle (Mr. Bennett) may not use intoxicating liquors or medicinal liquors in the practice of his profession, but there are physicians in the State of Maine who find they are necessary in cases of pneumonia,

and so forth. It is also necessary sometimes for doctors to have alcohol to sterilize their instruments.

Gentlemen, we are asked and we will assume this responsibility, that the will of the people of the State may be carried out, that medicinal liquor may be obtained in a clean, pure, wholesome legal atmosphere.

Mr. OLIVER: Mr. Speaker, I want to say just one word. The gentleman from Gorham (Mr. Carswell) says that my times were in the old days. Well, I may look that way. (Laughter). But that was not so long ago—1924. One of those gentlemen is still in the drug business, the man who was peddling paragonic. The other fellow is dead.

Miss LAUGHLIN: Mr. Speaker, if I may refer to the statement of the gentleman from Gorham (Mr. Carswell), he read from that section which says, "A retail license may be granted by the Board to any person, firm, partnership or corporation who shall be the owner of a bonafide pharmacy, who may or may not be a licensed pharmacist \*\*\*"—you will find that on Page 6—and down below, when he gets a license the Secretary of the Board will say that he is either a licensed pharmacist or that he is the owner of a pharmacy. That is the language of the bill.

If it is to be sold only for medicinal purposes, I wonder why it is provided in Section 10 that the town by local option may prevent the sale except by physician's prescription? The bill provides that no towns can prevent sale—as far as it provides anything—prevent the sale by a physician's prescription. Not even the will of the people can stop that. Now that is medicinal, but is only by vote of the people that you can stop sale in every other way except on physician's prescription. That very section proves it is not meant for medicinal purposes, because the only section in it that provides for its use for medicinal purposes, that is by physician's prescription, is made mandatory, and if the town wants to prevent the sale otherwise than by a physician's prescription, which means otherwise than for medicinal purposes, it can stop it. That section is absolutely unnecessary, except the whole purpose of the bill is to sell it not for medicinal purposes and the town cannot stop it. It is sold for medicinal purposes. There



it plainly shows the purpose of the bill, for unrestricted sale to anybody, no matter what it is for, whether for medicinal purposes, the town must agree to that.

Mr. MAYERS of Hallowell: Mr. Speaker, may I ask the gentleman from Gorham a question?

The SPEAKER: The gentleman from Hallowell, Mr. Mayers, may ask a question of the gentleman from Gorham, Mr. Carswell, and he may answer if he chooses.

Mr. MAYERS: Is there anything in this bill that limits the amount that a druggist might sell if he thinks a man wants to buy it for medicinal purposes? Can he sell him as much as 6 quarts or 8 quarts or 3 gallons? I cannot find anything in here but what leaves it to the option of the druggists, gives them the right to sell him any quantity. I may be wrong, but I have not been able to find it.

The SPEAKER: The gentleman from Gorham, Mr. Carswell, may answer the question of the gentleman from Hallowell, Mr. Mayers, if he chooses.

Mr. CARSWELL: At the present time there is no provision which prevents any individual purchasing any amount. If a provision were added, I am wondering whether or not it might not perhaps be taken as a beverage measure.

Mr. WHITE of Crystal: Mr. Speaker, I move the previous question.

The SPEAKER: Before that motion can be entertained it must have the vote of one-third of the members present. All in favor of the Chair entertaining the motion for the previous question at this time will rise and stand in their places, and the monitors will make and return the count.

More than one-third having arisen the previous question was ordered.

The SPEAKER: The question now is shall the main question be put now.

Mr. BELANGER of Winslow: Mr. Speaker, I ask for a yea and nay vote.

The SPEAKER: The question before the House now is shall the main question be put now. All in favor will say aye, contrary minded no.

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

Mr. BELANGER: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: Before the yeas and nays can be ordered, one-fifth of the members present must signify their consent. All those in favor of having 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.

Thirty-six voting in favor of the motion, and that number being obviously more than one-fifth of those present, the yeas and nays were ordered.

The SPEAKER: After the yeas and nays have been ordered no member shall leave his seat until the vote has been taken, tabulated, and the count returned.

Mr. STERN of Biddeford: Mr. Speaker, I want to ask a question. If this bill be defeated, can another bill be substituted?

The SPEAKER: You can try. The pending question is the motion of the gentleman from Gorham, Mr. Carswell, that the House accept the majority report of the committee on temperance on L. D. 199, an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts, the report being ought to pass in new draft. All those in favor of the motion will answer "yes" when their names are called, those opposed will answer "no." The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Bailey, Whitefield; Belanger, Berry, Berwick, Breen, Burgess, Burns, Bushey, Bussey, Carleton, Carswell, Carter, Chase, Baring; Cook, Devereux, Drisko, Dunn, Duquette, Eastman, Eldridge, Farris, Fenlason, Flanders, Fogg, Rockland; Forgue, Lewiston; Friend, Goodwin, Goudy, Graves, Gray, Gross, Hall, Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hescok, Hobbs, Hussey, Jones, Knight, Labbee, Lancaster, Label, Lewis, Lindsey, Littlefield, Alfred; Luce, Mace, Mack, Mason, Raymond; McKinney, Michaud, Morin, Nevers, Newcomb, O'Connor, Peacock, Piper, Plouff, Rand, Rea, Richardson, Rush, Scates, Shaw, Smith, Masardis, Smith, Orono; Smith, Vinalhaven; Soper, Sterling, Thompson, Thurston, Tupper, Viles, Ward, Harrison; Ward, Thorndike, Wentworth, Whitney, Whitten, Young.

NAY—Bailey, Woolwich; Bartlett, Bennett, Blanchard, Boyle, Bucknam, Chase, Limington, Chase, Sebec; Clarke, Clement, Cobb, Collins, Crow-

ell, Deering, Dow, Livermore; Dow, Portland, Fernald, Fowles, Gallagher, Haggett, Ham, Hawkes, Hill, Hills, Holden, Laughlin, Lord, MacPherson, Martin, Mason, Mechanic Falls; Mayers, Norris, Oliver, Plummer, Russ, Sanborn, Baldwin; Sanborn, Weld; Sargent, Sprague, Stern, Stover, Thomas, Tillson, Tompkins, Bridgewater; Tompkins, Houlton; Walker, Rockland; Walker, Rockport; Wallingford, Webber, White, Williams.

ABSENT—Carignan, Gagnon, Leathers, Littlefield, Bluehill; Osgood, Quine, Raymond, Rounds, Ryder, Wright.

86 Yes; 51 No; 10 Absent.

Eighty-six voting in the affirmative and 51 in the negative, the motion to accept the majority report, ought to pass, prevailed.

Thereupon under suspension of the rules the bill had its two readings.

Mr. CARSWELL: Mr. Speaker, I offer House Amendment A and House Amendment B and move their adoption.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to L. D. 199.

Section 2 of L. D. 199 is hereby amended by striking out the first paragraph of said section and inserting in place thereof the following:

"The said Licensing Board created under Chapter 268 of the Public Laws of 1933 shall have the additional powers and duties herein specified, and the members shall have such additional salaries as may be fixed by the Governor and Council."

Thereupon House Amendment A was adopted.

The SPEAKER: The Clerk will read House Amendment B.

House Amendment B to H. P. 156, L. D. 199, bill an act regulating the sale of spirituous and vinous liquors for medicinal and mechanical purposes and the arts.

Amend said bill by inserting the following paragraph at the end of Section Six thereof:

"(P) Retail licensees under this act are hereby authorized to sell intoxicating liquors or wines, not including cider for medicinal and mechanical purposes and the arts in accordance with the terms of such licenses and the provisions of this act and not otherwise."

Thereupon House Amendment B was adopted, and on motion by Mr. Carswell the rules were suspended and the bill had its third reading

and was passed to be engrossed as amended by House Amendments A and B.

#### Passed to Be Enacted

(Out of order, under suspension of the rules)

#### (Emergency Measures)

(H. P. 28) (L. D. 43) An act to incorporate the town of Mexico School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and seven voting in the affirmative and none in the negative, the bill was passed to be enacted.

(H. P. 155) (L. D. 196) An act to amend an act to re-draft the charter of the city of Biddeford.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and seven voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### Passed to Be Enacted

(Out of order, under suspension of the rules.)

S. P. 2, L. D. 8: An act to amend the law relating to savings banks investments.

#### Finally Passed

S. P. 76: Resolve in favor of clerks and stenographers of the several committees of the Eighty-sixth Legislature for the December Special Session.

(Paper from the Senate, out of order.)

From the Senate: Senate Paper 39, L. D. 107: An act to amend Chapter 137 of the Revised Statutes by repealing those portions designed

for the enforcement of Federal prohibition, which was passed to be enacted in the House earlier in the day and passed to be engrossed as amended by Senate Amendment A in concurrence on December 15.

Comes from the Senate passed to be engrossed as amended by Senate Amendments A and B in non-concurrence.

In the House, it was voted to reconsider the action taken by the House whereby this bill was passed to be enacted, also to reconsider the action whereby the bill was passed to be engrossed.

The SPEAKER: The Clerk will read Senate Amendments A. and B.

Miss LAUGHLIN of Portland: Mr. Speaker, what sections were stricken out?

The SPEAKER: Five, eleven and thirteen. That amendment has been previously adopted by the House in concurrence and should not have been read at this time.

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

#### After Recess

Mr. FARRIS of Augusta: Mr. Speaker and members of the House, I trust you will not attempt to adjourn while the Senate is in session. We have some important matters here to be disposed of and we do not want to adjourn until we have finished the business that is before the House. (Applause.)

Paper from the Senate, out of order.

From the Senate: Conference Report, Dec. 16, 1933. To the members of the Senate and House of Representatives of the Eighty-sixth Legislature:

The Joint Select Committee appointed to recommend economies for the purpose of balancing the budget for the current fiscal year and to provide for contingencies for the fiscal year 1934 and 1935, beg leave to report that it recommends the adoption of the accompanying suggested amendments to L. D. 169, an act to provide flexibility in handling State revenues and expenditures during the period of the present State cash stringency, and recommends the passage of said bill.

The committee further recommends that said bill be further

amended by extending its provisions to December 31, 1934.

(Signed) Senator Weeks of Somerset

Kitchen of Aroostook

Jackson of Cumberland

—of the Senate

Representative Farris of Augusta

Tompkins of Houlton

Friend of Skowhegan

Jones of Winthrop

—of the House

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Tompkins.

Mr. TOMPKINS: Mr. Speaker, I move to take from the table, S. P. 65, L. D. 169, an act providing flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency, tabled by me earlier in today's session.

The motion prevailed.

Mr. TOMPKINS: I now yield to the gentleman from Augusta, Mr. Farris.

On motion by Mr. Farris, the House voted to reconsider its action of yesterday whereby this bill was passed to be engrossed, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to L. D. 169, entitled an act providing flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency.

Amend L. D. 169 by inserting new section to be designated Sec. 1A, to read as follows: "Sec. 1A. Notwithstanding the terms of any provision of the Revised Statutes of the State of Maine or of any law enacted subsequent thereto providing for the appropriation of any funds for any particular purpose or purposes, the appropriations made for the several departments during the fiscal year 1933-1934 are reduced as follows: University of Maine, \$200,000, Educational Department, \$100,000, Agricultural Department, \$25,000, General Highway Fund for maintenance of roads, \$100,000, Department of Inland Fisheries and Game, \$15,000; and the heads of said departments are hereby instructed to abate in substantial pro-

portion the several accounts into which the total appropriation for each said department has been divided sufficiently to provide for such reduction in appropriations, and to advise the State Controller of such reductions within ten days after this act becomes effective.

In addition to the reductions above provided for it is hereby expressly provided that the travel allowance for operation of private automobiles used for State purposes shall be reduced to four cents per mile.

In addition to the reductions hereinbefore provided for the fiscal year 1933-1934, the following reduction shall be put in effect notwithstanding the provisions of law above referred to, for the fiscal year 1934-1935, University of Maine, \$200,000, Department of Education, \$50,000, General Highway Fund for State-aid construction, \$350,000. The provision hereinbefore contained for the fixing of an automobile mileage basis at four cents to be continued throughout said fiscal year.

Mr. FARRIS: Mr. Speaker, I now offer House Amendment B.

House Amendment B to L. D. 169

Amend L. D. 169 by striking out the words "July 1" in the last line of section two and substituting in place thereof the words "December 31."

Mr. FARRIS: Mr. Speaker, the committee appointed by the Senate and House have passed upon these different figures and appropriations and gone over them with the controller and budget officer; and the results of the recommendations appear in Amendment A.

Now we are called here in special session by the Governor, in extraordinary session. We have been working under the so-called flexibility act for eight months. This act is incorporated in chapter 77 of the private and special laws of 1933, and under the so-called flexibility act the State of Maine has met its obligations by reason of the State Controller, under the Governor and Council, transferring from one appropriation to another to take care of expenses in the departments where the money is needed.

We are faced today with a shortage of \$500,000 in balancing our budget notwithstanding the fact that, today, we passed an order transferring from the motor depart-

ment to the general fund, \$400,000 accumulated balance. Notwithstanding that \$400,000 we will need \$500,000 to balance the budget. Therefore, this committee was appointed, has attended to its duties and this amendment A is what the committee recommends.

Of course, when we came down here, many members had bills to offer, tax bills—a lottery bill, a horse racing bill, liquor bills. We were going to derive revenues from these and different bills if they were adopted. Now we have not passed any tax measures that will afford revenue to balance the budget. Now it is about time we began to cut expenses—State expenses. I know that this is going to hit a good many people. It is very unpopular when you talk about cutting expenditures in State departments and there is going to be a hue and cry throughout the State. However, that is the alternative with which we are faced. Are we going to adjourn and do nothing or are we going to try to do something and balance the budget and pass this flexibility bill so that the Governor and Council may handle these funds as they have during the past year.

A few days ago the committees on Appropriations and Financial Affairs and Taxation had a joint meeting. At the close of the meeting it was announced that the committee unanimously agreed to present to the legislature, first, a continuation of the flexibility act to July 1, 1934. Second, legislation to collect State taxes owed by municipalities. Now we passed this morning the municipal emergency board bill which will assist perhaps in collecting overdue taxes. That is simply a measure to assist and aid the State to collect those taxes which are now overdue. We have passed a transfer order of \$400,000 to the general fund of accumulated balance in the highway fund. In behalf of the committee I recommend that this amendment be adopted.

The appropriation for the University of Maine is \$522,466; expenses to date, \$261,233; on hand, \$261,233; a cut of \$261,233.

The department of education, \$2,357,653; expenditures, \$2,023,786; on hand, \$333,867; a cut of \$230,000.

The department of agriculture is \$160,751, in addition they have certain fees which the Controller could not give me and which therefore I have not estimated. The expendi-

tures to date are \$80,000; on hand \$80,000; cut \$25,000.

The Fish and Game Department, the appropriations is \$140,000; estimated income in fees, \$215,000; that is, the Fish and Game Department collects the fees and uses them in their Department for running it—fish hatcheries, and so forth. That makes a total of \$355,000. Expenditures to date, \$174,000; on hand \$181,000; cut \$166,000.

Highway maintenance, \$100,000. This we recommend be taken from the general fund.

The State employees who have been driving automobiles and getting seven cents a mile, and it is estimated that a cut to four cents per mile will save between \$60,000 between now and July first, or \$100,000 for the next fiscal year.

Those are the figures and this is the recommendation that we make and I move that the amendment be adopted.

The SPEAKER: The question is the motion of the gentleman from Augusta, Mr. Farris, that House Amendment A be adopted.

Mr. HUSSEY of Augusta: Mr. Speaker, I would like to ask a question of Mr. Farris.

The SPEAKER: The gentleman may ask a question and the gentleman from Augusta, Mr. Farris, may answer if he chooses.

Mr. HUSSEY: Do I understand you to say, Mr. Farris, that these reductions were made on the recommendation of the Controller and the Budget Officer?

Mr. FARRIS: I did not say so. I said the committee is taking all the responsibility and not laying anything to the Controller or the Budget Officer. They make no recommendations and they have no right to. They are not members of this Legislature.

Mr. HUSSEY: Did they make any recommendations to you?

Mr. FARRIS: They made no recommendations to the committee.

Mr. HUSSEY: Now let me ask this question. Could you, in five minutes or ten minutes or whatever time you had there, go over that budget and pick out four or six departments and cut them with the surety that you are not doing great harm to any particular department?

Mr. FARRIS: In answer to the gentleman's question I will say that

the committee sat down with the Budget Officer and Controller, and they gave us these figures of the amount of the appropriations and we suggested the amount of the cut. We recommended, they did not. We did not go over the entire budget, we went over the different appropriations. We did not have time to go over the budget. The Appropriations committee—and you are a member thereof—must know the situation of the budget.

Mr. HUSSEY: Mr. Speaker—

The SPEAKER: Just a moment! Do you desire to ask another question of the gentleman from Augusta, Mr. Farris?

Mr. HUSSEY: No, I will sit down.

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

Mr. ASHBY: Mr. Speaker and members of the Legislature: If this Highway Department is cut to the extent that the gentleman from Augusta, Mr. Farris, recommends, do you know that there is going to be a referendum initiated to repeal that gas tax before we are out of this Legislature? Motorists are going to refuse to pay a gas tax unless it is going to be applied to the highways, and you cannot blame them for that.

Now I don't know in regard to the Educational Department what they are going to say, but I believe you are going to hear a hue and cry from all over the State. As the gentleman from Vinalhaven, Mr. Smith said, a man can't talk very long here on two dollars a day, particularly if he don't get his expenses. (Laughter). But you might just as well call a spade a spade. You know had the Tax committee reported as they should have reported some of these bills ought to pass, revenue would have been provided; but they have been playing politics, and you know it and the gentleman from Augusta, Mr. Farris, knows it. You know they did not want to pass any tax measures although there is plenty to tax. For instance, there is the intangible tax, where the intangible property represents seventy per cent of the wealth of this State, they could tax that two and one-half per cent. They did not want to tax hydro-electric power, they did not want to pass a sales tax; in fact they did not want to pass any tax but they want us to play politics with them and cut out the essen-

tials of the State to balance the budget. I sincerely hope that this report of the committee will not be received.

Mr. PLOUFF of Dexter: Mr. Speaker, I have devoted the most of my time here to State finances and I know that it is impossible to cut as recommended in those amendments. We have worked the most of the time, given the matter a lot of thought, and you cannot cut our departments promiscuously in this way and do it intelligently. For that reason I register opposition to this amendment.

Mr. MACK of Veazie: Mr. Speaker, in respect to this reduction I know from my personal business experience that it is a fallacy. I am beginning to believe that I would like to get out of my own business and become the purchasing agent of the Highway Department and let it be known that I was in the automobile business. I know that you cannot operate an automobile for four cents a mile; and if you are going to depend upon employees of the State of Maine to use their own cars on a basis of four cents a mile, you will probably find that they will refuse to do it and the State will be put to the necessity of purchasing a lot more cars. I think it is too bad to try and coerce the State employees and force them on a four cents per mile basis. Anyone who operates a fleet of cars or trucks will readily appreciate that four cents is below the actual cost of operation. I hope you will consider this.

Mr. SCATES of Westbrook: Mr. Speaker, it is now quarter of two Sunday morning. While I am not a member of any church, yet I still have some respect for the Sabbath. (Applause) I will say no more on that point. I do not play cards on Sunday. I do not go to baseball games on Sunday,—not because I think there is any great harm in it but perhaps it is due to my early education. Ordinarily I would not talk more than five or ten minutes, but I have had a cup of coffee and a sandwich down stairs and I feel like talking an hour because my train does not go until 9.10 tomorrow morning. I do not know as I shall, but I would like to. However, I cannot refrain from paying some attention to the remark that was made some time ago by the gentleman from Houlton (Mr. Tompkins). Never as a legislator, never as a business man have I ever re-

fused to assume responsibility any where and at any time; but bear this in mind,—I am not a pinch-hitter.

In regard to this matter that is before this House, while I do not believe in the report that has been brought in here, yet I probably, under the exigencies of the State will support it. I do not believe in it because I believe that you are simply unfair, unjust, to the motorists of this State. The idea seems to be that the motorists not only must build the roads of the State but they must support the institutions of the State. I helped enact a gas tax, a reasonable gas tax, but when you carry it on as far as you have, you have gone beyond any reasonable expectation or anything that is equitable and just. I remember the Legislature of 1931 increased the gas tax from four to five cents when, but two years before that a measure of that kind had been defeated by a large majority. It was said that sentiment had changed and that the people would stand for another cent increase in the gas tax. I knew that was not so and I sent out five thousand postal cards. I did not select the names. I had them get the names down here in the Secretary of State's office of some people in every town in this State. I received some 2500 replies out of the five thousand. Twenty-two hundred or more of them were opposed to it with only about two hundred in favor of it. Some of you who were members of that House remember that I took the cards that came like this (illustrating) and threw them over the House. I am not going to throw these that I have here, although there are five hundred of them. I do not know why they send them to me. Notwithstanding that, the Legislature passed that act increasing the gas tax from four to five cents. Oh, they said, there never will be a referendum called on it, never; nobody will do that. It costs money to do that and requires much work. But the referendum was invoked, and what is the result? A year ago last September the people of this State voted against that tax by a vote of 195,000 to 24,000. Does that mean anything to you? Is that a fair expression of the State? I think it is and I am willing to abide by it.

Now my oratorical friend over there from Winterport (Mr. Fer-

nald)—and by the way he is a good orator and I like to hear him. I don't always believe what he says,—oh I've got a lot of time yet! I took down what he said if I haven't lost it. Now ordinarily I do not believe in injecting party politics into State administration or State appropriations. I believe that should be left out, but you will remember that he said this: This is about the pork barrel. I do not know any pork barrel anywhere but he said if it were not for the pork barrel, some of you people wouldn't be here. That may be true and may be not; but, for instance, in the first session of this Legislature,—this is the third session—they cut out the Three-Town Act, they cut out the Five-Times Act and the expenditures under these two acts upon the roads of this State amount to two million dollars. The Legislature cut that out in the first session of this Legislature—two million dollars! Now this morning you took away \$400,000 from the road fund. The machinery there—I don't know how much it cost—but I imagine it cost a million dollars and the repairs on those cars—I will admit some of them may not be very great because those high priced Packards that the officials travel back and forth in do not need any repairs; but I have no doubt that the maintenance on those cars has cost more than the \$400,000. They are said to be in good shape. I have no brief for the motorists. I am not now and never have been in any way connected with the automobile industry. It makes no difference to me—only a very small difference—whether the gas tax is four cents or ten cents, but it does to the people who are in the trucking business and there are about one hundred thousand trucks transporting goods over the State. Now that means something to the State. Well, what is going to happen? So far this year that automobile fund has been dipped into to more than a million and a half dollars to carry on the expenses of the State. They say that is temporary. Yes, but when are they ever going to get the money to pay it back; that is what I want to know. I might borrow, if I could, five million dollars of John D. Rockefeller but I question whether he would ever get much of it back. Now how is this bill going to leave you people in regard to the State-aid money? The

Five Times clause is gone, your Three-Town Act is gone, and if you get one million dollars for your roads this year, you will be doing mighty well.

If this thing goes through, as I think it must under the present condition of things, I think that you will see a revulsion in this State, and mind you this, the same thing will be repeated next summer that was repeated two years ago on the referendum. It will not be a gas tax possibly, but you will find that there will come into the next Legislature, under the initiative, a bill cutting the registration fees right in two; and, of course, if that bill comes in, the Legislature has got to enact it or it must go to the people to vote without a change in the act, and the State of Maine under those conditions will lose a million and a half dollars that you never can recover.

Think of these things! Oh, my hour is not half up! The automobilist, you must remember, will stand about so much, but there comes a time when there will come a revolt and you know that the automobilists in this State have it in their power under the initiative and referendum to enact any law they wish. Bear that in mind! Does your State of Maine want to lose a million and a half more of revenue in the future than what it has been having in the past? Today there are twenty-seven different taxes on automobiles. These have always been devoted to the building of the roads, but when they are taken to maintain the institutions in this State, we will see a revolt.

Looking at it from the political angle! I never have and I never will be a State-wide candidate for any office, but if I should be I could have no better platform to go to the people of this State on than that the money that is so contributed to this State, outside of the excise tax, should be devoted to the construction and maintenance of the highways of this State. I want no better platform. Over night anyone could have an organization of five or six in every town in this State in regard to the filling stations, and anyone who takes that platform and goes to the people, either in the primaries or in the general election, he will win by an overwhelming majority. It may not be 195,000 to

24,000 but it will be a sufficient majority, and I care not to what party he belongs; I care not if he belongs to no party but is an independent candidate on that platform and that platform alone. It beats your rum business all hollow.

As I said before, I am not interested in this particularly, but I want to see a square deal and a fair deal for everybody. I care not even if he is my opponent. I want to fight him fair and square, and if I cannot do it that way, I will not do it at all. There are certain things that are right, fair and just in this nation and among the people of the State. There is something written by the finger of God upon the hearts of men which makes them want and desire justice and fairness to everyone.

Now as I said before, I would like to talk half an hour longer. I probably shall support this bill under present conditions but I do it with a lot of reservations. You may sit down to a dinner which you do not like. The potatoes are not cooked right, the steak is overdone and the coffee is cold, but you have got to eat it or go hungry. That is about the position of the State of Maine, but there is no reason why it should exist. There is no reason why things should not have been in much better shape with some plan ready when we came here that we could have acted upon and had plenty of time for. Instead of doing it, or trying to do it the last few minutes of a Sunday morning that we are here, I am wrestling with the matter which ought not to be considered on any Sabbath. (Applause.)

Mr. HANSON of Cumberland: Mr. Speaker, may I ask the gentleman from Westbrook a question?

The SPEAKER: The gentleman may ask the question and the gentleman from Westbrook may answer if he chooses.

Mr. HANSON: Mr. Scates, when you started on your discourse did I understand you to say that although you were not in favor of some of these amendments on this bill, yet you would vote for them?

Mr. SCATES: I said that necessity absolutely required it.

Mr. HANSON: Thank you.

The SPEAKER: And the pending question is the motion of the gentleman from Augusta— The Chair

recognizes the member from Bangor, Miss Martin.

Miss MARTIN: Mr. Speaker and members of the Legislature: I wish to oppose this amendment. I think it is unjust and unfair. We are proceeding along in the middle of the night to do something that the appropriations committee refused to do last winter after proper hearings and giving all the parties a chance to state their case.

I am reminded of an incident that occurred some years ago in the country. There was a big stable caught fire and all the horses were led out in safety. They were tethered outside on a fence, and as the blaze kept going up higher and higher they became more frightened, more frantic. They broke their halter ropes and rushed back into the fire, and I wonder if that is not what we are doing at this time of night. Are we not a bit hysterical that we cannot do anything else and have got to do this? I think it would be a big mistake to cut \$200,000 from the University of Maine with no more cause than the fact that they happen to have some money on hand at the present time. Did the committee look into the fact that perhaps some of that is pledged for next month's obligations, and, if so, I think we should have that information. If there is a surplus that they cannot possibly need, that they have not pledged on this fiscal year, I think it would be possible to get it; but under the present conditions I certainly do oppose it. (Applause.) I should like to move the indefinite postponement of this amendment.

Mr. LORD of Lebanon: Mr. Speaker and members of the House: I did not intend to speak on this question and it is hardly necessary for me to do so as the member from Bangor (Miss Martin) has expressed my feelings in much better language than I could. I do feel that I am justified in saying that I am opposed to these amendments as they are. I think it is very unjust to these institutions and to these departments to rush these through at this time without giving them an opportunity to be heard.

The Governor, as I understand, is perfectly willing to accept the flexibility act until the first of July of next year and does not ask that it be extended any longer than that. It seems to me that the drastic cut



that has been made here is a step backward. I have noticed that some of the orators here always close their remarks with a poem and there is one little limerick that comes to me now that seems to express the attitude of this committee which has offered this amendment, and that is this:

"The firefly is brilliant but he hasn't any mind

He ekes out his existence with his headlight on behind."

(Laughter and applause)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Duquette.

Mr. DUQUETTE: Mr. Speaker, I think it very unwise on our part and unfair to the people of the State of Maine to try on this Sunday morning to legislate on a matter of such great importance, so I move that we adjourn at this time until two o'clock Monday afternoon.

The SPEAKER: The Chair has been informed that the Senate is about to convene for the purpose of passing an adjournment order, and will the gentleman withhold his motion?

Motion withdrawn.

The SPEAKER: The pending question is the motion of the member from Bangor, Miss Martin, that this amendment be indefinitely postponed.

Mr. TOMPKINS of Houlton: Mr. Speaker, My "headlight may be on behind," but that is for the purpose of showing danger. We were told not many months ago that this nation was in the same condition as though we were at war, and that it was our duty to act accordingly. I never heard of a good soldier deserting the firing line yet.

Hard conditions bring about hard measures sometimes, but unless the State of Maine wants to join the ranks of those defaulting European nations they have got to reduce their expenses. Now it is a question, without additional revenue which nobody seems to want to raise by taxation, whether you are going to pay or default.

On the 31st day of December of the year 1933, not far away, there is \$1,500,000 of this money that has been transferred from one department to another, principally from the highway department, that has got to be returned to its proper place. Where are you going to get the money? Further than that, you have today, this very session, passed an additional appropriation for

pauper support of \$400,000. Where are you going to get the money? You have asked for \$15,000 for soldiers pensions. Where are you going to get the money? You have asked for legislative expenses \$35,000. Where are you going to get the money? You have asked for a recess tax commission \$5000 more. Where are you going to get the money? And you have further asked for constitutional convention \$2300. Where are you going to get the money?

There has been no additional revenue measure passed in this Legislature, no additional revenue measure has been proposed that would be adequate or that can be passed by this legislature that would not be subjected to referendum.

In private life you dispense with those things that can be dispensed with. This measure does not take away one nickel from the support of the poor and it very lightly touches those departments of education and their proper functions will not be interfered with. Unless further measures are taken to raise revenue this State will not be in a position to pay its bills.

Mr. COOK of Pittsfield: Mr. Speaker, it seems to me that it is almost impossible at this hour of the morning to give proper consideration to such an important matter. It may have merit and it may not, we do not know; and rather than indefinitely postpone it, is there not some way that we can table it until Monday, consider it at that time and possibly give the committee time to talk with the departmental heads, and make perhaps a more reasonable cut.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Cook, moves that this matter be tabled and be specially assigned for next legislative day.

The motion prevailed, and the matter was so tabled.

Papers from the Senate, out of order, under suspension of the rules.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet at 4 P. M. Tuesday, January 2, 1934.

Comes from the Senate, read and passed.

In the House:

The SPEAKER: All those in favor of the passage of this Senate

order in concurrence will rise and stand in their places until counted, and the monitors will make and return the count.

Mr. SCATES: Mr. Speaker, what is the motion, please?

The SPEAKER: The Clerk will read the order.

(Order read by the Clerk)

The SPEAKER: The pending question is the passage of the order in concurrence. All those in favor will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had,

Forty-five voting in the affirmative and 78 in the negative, the order failed of passage in concurrence.

Mr. DUQUETTE of Biddeford: Mr. Speaker, I move that we adjourn to Monday forenoon at ten o'clock.

A division of the House was had,

Ninety-one voting in the affirmative and none in the negative, the motion prevailed,

And the House adjourned until Monday morning, December 18, at ten o'clock.