

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, March 21, 1935.

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

Prayer by the Rev. H. W. Brown of Gardiner.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 633, L. D. 790: An act to amend Section 14 of Chapter 147 of the Revised Statutes relating to violation of terms of probation.

S. P. 433, L. D. 519: An act relating to time limit on notices in re hearings on licenses for wharves and fish weirs.

S. P. 232, L. D. 191: An act to amend Section 386 of Chapter 1 of the Public Laws of 1933 relating to girls at State School for Girls.

From the Senate: Report of the committee on Legal Affairs reporting ought not to pass on bill an act amending the charter of Fort Fairfield.

Comes from the Senate recommitment to the Committee on Legal Affairs.

In the House, on motion by Mr. Findlen of Fort Fairfield that body voted to concur with the Senate in the recommitment of this bill to the committee on Legal Affairs.

From the Senate: Bill an act to tax games of skill, H. P. 1415, L. D. 633, which was passed to be engrossed in the House on March 6th.

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

In the House:

Mr. WILLEY of Falmouth: Mr. Speaker, will the Clerk read Senate Amendment A?

The SPEAKER: If there is no objection the Clerk will read.

(Senate Amendment A read by the Clerk.)

On motion by Mr. Willey under suspension of the rules the House voted to reconsider its action of March 6th whereby this bill was passed to be engrossed; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence; and the

bill as amended was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to the use of steam boilers, H. P. 66, L. D. 22, which was passed to be enacted in the House on March 6th and passed to be engrossed on February 21st.

Comes from the Senate passed to be engrossed as amended by Senate Amendment A.

In the House:

(Senate Amendment A read by the Clerk)

On motion by Mr. Chase of Barre, under suspension of the rules the House voted to reconsider its action of March 6th whereby this bill was passed to be enacted; and on further motion by the same gentleman, under suspension of the rules, the House voted to reconsider its action of February 21st whereby this bill was passed to be engrossed; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

From the Senate: Bill an act creating a lien on potatoes, H. P. 1605, L. D. 694, which was indefinitely postponed in the House on March 15th.

Comes from the Senate passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Gray of Presque Isle, that body voted to insist and ask for a Committee of Conference.

The SPEAKER: The Chair will appoint on that committee the gentleman from Presque Isle, Mr. Gray, the gentleman from Fort Fairfield, Mr. Findlen, and the gentleman from Caribou, Mr. Doyle.

From the Senate: Report of the committee on Legal Affairs reporting ought not to pass on bill an act authorizing municipalities to operate electric lighting systems. H. P. 1339, L. D. 546, which was recommitment in the House on March 13th.

Comes from the Senate the ought not to pass report accepted in non-concurrence.

In the House, on motion by Mr. Leonard of Hampden, the bill and report were tabled pending further consideration, and specially assigned for Wednesday, March 27.

From the Senate: Bill an act for placing the word "Vacationland" on

all number plates on motor vehicles, H. P. 106, L. D. 675, which was passed to be engrossed in the House on March 12th.

Comes from the Senate recom- mitted to the committee on Maine Publicity in non-concurrence.

In the House, on motion by Mr. Lebel of Brunswick, that body voted to recede and concur with the Sen- ate in the recommitment of this bill to the committee on Judiciary.

The following petitions and re- monstrance were received and up- on recommendation of the commit- tee on Reference of Bills were re- ferred to the following committees:

Education

Petition of John W. Riley of Brunswick and 27 others in favor of L. D. 56, relating to educational program (H. P. No. 1779) (Presented by Mr. Sawyer of Brun- swick)

Petition of Roland Seamans of Cary Pl. and 12 others in favor of same (H. P. No. 1780) (Presented by Mr. Crowell of Weston)

Petition of M. Antoinette Dion of Biddeford and 73 others in favor of same (H. P. No. 1781) (Presented by Mr. Belaire of Biddeford)

Petition of William R. McCain of New Limerick and 29 others in favor of same (H. P. No. 1782) (Presented by Mr. Sprague of Oak- field)

Petition of Dora M. Hebb of Car- roll and 32 others in favor of same (H. P. No. 1783) (Presented by Mr. Mallett of Lee)

Petition of Idella B. Rogers of Old Town and 70 others in favor of same (H. P. No. 1784) (Presented by Mrs. Latno of Old Town)

Inland Fisheries and Game

Remonstrance of Alvery Wallace of Roque Bluffs and 16 others op- posing any raise in hunting and fishing license (H. P. No. 1785) (Presented by Mr. Lindsey of East Machias)

Orders

On motion by Mr. Leonard of Hampden, it was

Ordered, that the State Highway Commission furnish at once to the House of Representatives the fol- lowing information:

How much has been paid for metal culverts in each of the past eight years?

Where purchased and the amount paid each Company

Give the bids submitted by each Company.

What is the difference, if any, in the quality of culverts sold by each company?

The SPEAKER: To save time the Clerk will only read the report of the committee and the "ought not to pass" reports will be accepted en bloc. Anybody who wishes to table a report should take advantage of the opportunity before the motion is put.

Reports of Committees

Mr. Chase from the Committee on Appropriations and Financial Affairs on resolve in favor of an educational campaign to lessen ac- cidents upon the highway (H. P. No. 1297) reported that same be referred to the next Legislature.

Mr. Bragdon from the Commit- tee on Claims reported ought not to pass on resolve in favor of An- drew Michaud of Togus (H. P. No. 1108).

(Tabled by Mr. Phair of Caswell pending acceptance of the report and specially assigned for Satur- day, March 23.)

Same gentleman from same com- mittee reported same on resolve to reimburse the town of Mexico for support of persons having no set- tlement in the State (H. P. No. 943).

Same gentleman from same com- mittee reported same on resolve to reimburse the town of Ashland for support of Mrs. Owen West, hav- ing no known settlement in the State (H. P. No. 752).

Same gentleman from same com- mittee reported same on resolve in favor of the town of Hebron for pauper supplies (H. P. No. 666).

Same gentleman from same com- mittee reported same on resolve in favor of the city of Eastport for the care of William Price (H. P. No. 1109).

Same gentleman from same com- mittee reported same on resolve to reimburse the town of Merrill for support of Charles Robbins and family, having no known settle- ment in the State (H. P. No. 973).

Same gentleman from same com- mittee reported same on resolve in favor of the town of Princeton for pauper supplies (H. P. No. 423).

Same gentleman from same com- mittee reported same on resolve in

favor of Eugene C. Weeks of Sidney for support of Almon S. Tilley and his family, having no known settlement in the State (H. P. No. 963).

Same gentleman from same committee reported same on resolve in favor of the town of Etna (H. P. No. 658).

Mr. Coolidge from same committee reported same on resolve to reimburse the town of Dresden for lodging and feeding travelers and vagrants (H. P. No. 100).

Same gentleman from same committee reported same on resolve in favor of the city of Belfast (H. P. No. 580).

(Tabled by Mr. Thompson of Belfast, pending acceptance of the report, and specially assigned for tomorrow morning.)

Same gentleman from same committee reported same on resolve in favor of Michael Pelletier of Fort Kent (H. P. No. 761).

Mr. Cambridge from same committee reported same on resolve in favor of the Gardiner General Hospital (H. P. No. 979).

Same gentleman from same committee reported same on resolve in favor of the city of Eastport for the care of William Price (H. P. No. 976).

Same gentleman from same committee reported same on resolve in favor of the town of Jackson (H. P. No. 188).

(Tabled by Mr. Payson of Brooks, pending acceptance of the report, and specially assigned for tomorrow morning.)

Mr. Devereux from same committee reported same on resolve to reimburse the town of Mexico for support of Mark Godrow (H. P. No. 942).

Same gentleman from same Committee reported same on resolve to reimburse the city of Portland for support of Robert Burgoyne and family. (H. P. No. 759)

(Tabled by Mrs. Kilroy of Portland, pending acceptance of the report and specially assigned for tomorrow morning.)

Same gentleman from same Committee reported same on resolve in favor of the town of Presque Isle. (H. P. No. 1249)

Mr. King from same Committee reported same on resolve in favor of Lorenzo P. Brown of Livermore Falls. (H. P. No. 936)

Same gentleman from same Committee reported same on resolve in favor of the town of Pittsfield for

hospital treatment of Harry Allen. (H. P. No. 320)

Same gentleman from same Committee reported same on resolve in favor of the town of Freedom. (H. P. No. 1305)

Same gentleman from same Committee reported same on resolve to reimburse the town of Dexter for support of Everett Hartford. (H. P. No. 1168)

Same gentleman from same Committee reported same on resolve in favor of estate of Henry B. Scott. (H. P. No. 984)

Same gentleman from same Committee reported same on resolve in favor of the city of Gardiner. (H. P. No. 951)

Same gentleman from same Committee reported same on resolve to reimburse the town of Chelsea for assistance to Edmond Croxford a State pauper. (H. P. No. 186)

Mr. Lindsey from same Committee reported same on resolve in favor of the town of St. George. (H. P. No. 1166)

Same gentleman from same Committee reported same on resolve to reimburse the town of Monson for support of Albert Beatham and family. (H. P. No. 952)

Same gentleman from same Committee reported same on resolve to reimburse the town of Mexico for support of Lee Terrell. (H. P. 941)

Mr. Mosher from same Committee reported same on resolve in favor of the General Contracting Co. Inc. of Bath, Maine, to reimburse same for damages on account of State Highway Project 116-A Woolwich. (H. P. No. 766)

Same gentleman from same Committee reported same on resolve in favor of Dr. W. V. Kird of Eagle Lake. (H. P. No. 763)

Same gentleman from same Committee reported same on resolve to reimburse the town of Shirley for support of Fred A. Green and family, having no known settlement in the State. (H. P. No. 953)

Same gentleman from same Committee reported same on resolve in favor of the Rumford Community Hospital for treatment of woodsmen, having no known settlement in the State. (H. P. No. 1245)

Same gentleman from same Committee reported same on resolve to reimburse the town of Sherman for support of Ira A. Nickerson and family. (H. P. No. 968)

Same gentleman from same Committee reported same on resolve in

favor of the Gardiner General Hospital. (H. P. No. 978)

Mr. Chase of Baring from the Committee on Legal Affairs reported same on bill an act relating to printing in town reports names of persons receiving relief. (H. P. No. 1258) (L. D. No. 497)

(Tabled by Mr. Wheeler of St. George, pending acceptance of the report, and specially assigned for Wednesday, March 27th.)

Same gentleman from same Committee reported same on bill an act permitting Agricultural Societies to conduct exhibitions on Sunday. (H. P. No. 1261) (L. D. No. 465)

Mr. Higgins from same Committee reported same on bill an act relating to the inspection of dams and reservoirs (H. P. No. 844) (L. D. No. 244)

Reports read and accepted and sent up for concurrence.

Mr. Sleeper from the Committee on Mercantile Affairs and Insurance reported ought not to pass on bill an act relating to the qualification of agents of insurance companies which insure only members of non-political, secret, fraternal and ritualistic organizations (H. P. No. 1152) (L. D. No. 372)

(Tabled by Mr. Deering of Hollis, pending acceptance of the report and specially assigned for tomorrow morning)

Mr. Davis from the Committee on Banks and Banking on bill an act relating to banking, loan and building associations, small loan agencies, dealers in securities (H. P. No. 1300) (L. D. No. 613) reported same in a new draft (H. P. No. 1774) (under title of an act relating to trust companies and that it ought to pass

(Tabled by Mr. Chase of Baring, pending acceptance of the report and the new draft ordered printed)

Mr. Chase from the Committee on Counties on bill an act relating to the recordings of county reports (H. P. No. 1306) (L. D. No. 615) reported same in a new draft (H. P. No. 1775) under same title and that it ought to pass

Mr. Philbrick from the Committee on Judiciary on bill an act relative to qualifications of applicants for admission to the bar (H. P. No. 441) (L. D. No. 119) reported same in a new draft (H. P. No. 1776) under same title and that it ought to pass

Mr. Hill from same Committee on bill an act relating to the use of

reflectors on commercial vehicles (H. P. No. 1208) (L. D. No. 456) reported same in a new draft (H. P. No. 1777) under same title and that it ought to pass

Mr. Dav's from the Committee on Legal Affairs on bill an act to provide a Town Council and Manager form of government for the town of Oakland in the county of Kennebec (H. P. No. 850) (L. D. No. 294) reported same in a new draft (H. P. No. 1778) under same title and that it ought to pass

Mr. Devereux from the Claims on the following resolves:

Resolve in favor of Philip A. Garland of Portland (S. P. No. 273)

Resolve in favor of Thomas F. Birmingham of Winterport (H. P. No. 4)

Resolve in favor of Harry Cundy of Winterport (H. P. No. 5)

Resolve in favor of Harold Hubert Spiller of Rangeley (H. P. No. 578)

Resolve in favor of Frank R. Neal in payment of his soldier's bonus (H. P. No. 977)

Reported a consolidated resolve (H. P. No. 1786) under title of resolve in favor of certain World War veterans and that it ought to pass

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

First Reading of Printed Bills and Resolves

(H. P. No. 1757) (L. D. No. 798) An act to extend the charter of the Bluehill Water Company

(Tabled by Mr. Higgins of Ellsworth, pending assignment for third reading, and specially assigned for Thursday, March 28)

(H. P. No. 1768) (L. D. No. 799) An act relating to aid to libraries, expenses of State Historian, compensation and expenses of Geologist, topographic mapping, and abolishment of grade crossings.

(H. P. No. 1770) (L. D. No. 800) An act to amend the law relating to teachers' pensions

(H. P. No. 1771) (L. D. No. 805) An act to incorporate the Lincoln Water District

(H. P. No. 1772) (L. D. No. 801) An act for the regulation of cosmetics

(H. P. No. 1058) (L. D. No. 802) Resolve relative to fishing in Middle Range Pond, in Poland

(H. P. No. 1159) (L. D. No. 803) Resolve regulating smelt fishing in Abagadassett River

(H. P. No. 1769) (L. D. No. 804)
Resolve in favor of Bessie M. Dunton
of Moscow

Passed to Be Engrossed

(S. P. No. 95) (L. D. No. 765) An
act to enable domestic mutual fire
insurance companies to obtain aid
from the Federal Intermediate
Credit Bank

(S. P. No. 395) (L. D. No. 421)
An act relative to the operation by
railroad corporations of certain aux-
iliary services

(S. P. No. 414) (L. D. No. 535)
An act relating to secret ballot at
town meetings

(Tabled by Mr. Lebel of Brun-
swick pending passage to be en-
grossed, and specially assigned for
Thursday, March 28th)

(S. P. No. 629) (L. D. No. 763)
An act creating a State Park Com-
mission

(Tabled by Mr. Richardson of
South Portland, pending passage to
be engrossed)

(S. P. No. 630) (L. D. No. 764)
An act relating to the regulation
of eating and lodging places

(S. P. No. 631) (L. D. No. 766)
An act relating to health

(H. P. No. 1710) (L. D. No. 746)
An act relating to penalty for oper-
ating motor vehicles while under
the influence of intoxicating liquor
or drug

(H. P. No. 1729) (L. D. No. 754)
An act to provide for jury commis-
sioners

(H. P. No. 1758) (L. D. No. 778)
An act to amend the charter of the
city of Brewer

(H. P. No. 1759) (L. D. No. 779)
An act to designate New Year's Day
as a legal holiday

(On motion by Mr. Sawyer of
Brunswick recommitted to the com-
mittee on Legal Affairs)

(H. P. No. 1760) (L. D. No. 780)
An act relating to pauper expense

(H. P. No. 1761) (L. D. No. 781)
An act relating to a superintending
school committee for the town of
Mount Desert

(H. P. No. 1763) (L. D. No. 782)
An act relating to women prisoners

(S. P. No. 114) (L. D. No. 25)
Resolve proposing an amendment to
the Constitution to authorize the
use of voting machines in elections

(S. P. No. 326) (L. D. No. 758)
Resolve relative to fishing in the
Kennebec River

(S. P. No. 626) (L. D. No. 757)
Resolve proposing an amendment

to the Constitution to provide for
longer residence to qualify as a
voter.

(H. P. No. 701) (L. D. No. 783)
Resolve for the purchase of one
hundred copies of "The First Cen-
tury of the town of Naples".

(Tabled by Mr. Tupper of Calais,
pending passage to be engrossed,
and specially assigned for Tuesday,
March 26th).

(H. P. No. 1630) (L. D. No. 784)
Resolve authorizing the Forest
Commissioner to sell lands in Pen-
obscot County.

(H. P. No. 1753) (L. D. No. 785)
Resolve in favor of Richard Clay-
ton, French of Carmel.

(H. P. No. 1754) (L. D. No. 786)
Resolve relative to the taking of
smelts for food purposes from
Crooked and Songo Rivers and
Batchelder Brook.

(H. P. No. 1755) (L. D. No. 787)
Resolve regulating ice fishing in
Pleasant, Mud and Horseshoe
Ponds, Cobbosseecontee Stream and
the Tacoma Chain of Lakes in the
counties of Kennebec and Saga-
dahoc.

(H. P. No. 1756) (L. D. No. 788)
Resolve regulating fishing in tribu-
taries to Pleasant Pond in Kenne-
bec and Sagadahoc Counties.

(On motion by Mr. Thompson of
Chelsea recommitted to the com-
mittee on Inland Fisheries and
Game).

(H. P. No. 1762) (L. D. No. 789)
Resolve relative to the digging of
clams in Mount Desert.

Passed To Be Enacted

(Emergency Measure)

H. P. 596, L. D. 160: An act to
provide for the surrender by town
of Kingman of its organization.

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
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 bill was passed
to be enacted.

Passed To Be Enacted

S. P. 411, L. D. 533: An act rela-
tive to the filing of an inventory
in estate.

H. P. 1606, L. D. 695: An act
relating to liquor licenses.

H. P. 1200, L. D. 450: An act relating to investments of savings banks.

Finally Passed

H. P. 1203, L. D. 452: Resolve relating to ice fishing in Little Sebago Lake.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Dennett.

On motion by Mr. Dennett, under suspension of the rules, it was voted to take from the table the third matter today assigned, bill an act relating to the countersignature of all insurance policies and bonds, H. P. 1751, L. D. 768, tabled by that gentleman March 20, pending passage to be engrossed.

Mr. Dennett then offered House Amendment A, as follows, and moved its adoption:

House Amendment A to H. P. 1751, L. D. 768 bill an act relative to the countersignature of all insurance policies and bonds

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

An act relative to countersignatures of all fire and casualty insurance policies and surety bonds

Thereupon House Amendment A was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Chase of Baring, the House voted to reconsider its action earlier this morning whereby it accepted the committee's report, ought not to pass, on resolve in favor of the city of Eastport for the care of William Price H. P. 976; and on further motion by the same gentleman the report was tabled pending acceptance, and specially assigned for Tuesday, March 26th.

The Chair lays before the House the first matter tabled and today assigned, House Amendment A, L. D. 753, to bill an act creating a State lottery commission, H. P. 147, L. D. 49, tabled on March 14th by the gentleman from Lincoln, Mr. Weatherbee, pending adoption; and the Chair recognizes that gentleman.

Mr. WEATHERBEE: Mr. Speaker, I would like to offer House Amendment A to House Amendment A and will ask the Clerk to read it.

The SPEAKER: The Clerk will read House Amendment A to House Amendment A.

House Amendment A to House Amendment A to House Paper 147, Legislative Document 79 (House Amendment A being Legislative Document 753). Amend said amendment by striking out all of Section 6 thereof, and inserting in place thereof, the following:

'Sec. 6. Allocation of funds. The net amount received by the state under this act shall be allocated, appropriated and used as follows:

(a) 10% thereof for the administration of said state lottery; should any part thereof not be needed for such purpose, such part shall be applied to the purpose mentioned in subsection (c) hereof;

(b) 35% thereof for prizes to be awarded in the conduct of said state lottery;

(c) 55% thereof for the general funds of the state, same to be used in the discretion of Governor and Council for the payment of old age pensions as provided in Chapter 267 of the Public Laws of 1933.'

Mr. WEATHERBEE: Mr. Speaker and members of the House: Last week the House very courteously permitted me to offer an amendment to the State lottery bill. Today I arise to urge the passage of this bill as further amended by House Amendment A to House Amendment A as read by the Clerk.

You will notice that there are on the desk of each member mimeographed sheets of House Amendment A, to House Amendment A except for the fact that the bottom paragraph on the mimeographed sheets on your desks is not in House Amendment A to House Amendment A as offered. This bottom paragraph did away with the section regarding a referendum being provided for. On the advice of many members of the House who are interested in this bill and believe that a referendum should be provided for, at their suggestion I have incorporated House Amendment A, so that a referendum is provided for under the bill as amended.

Now there is a long history to this subject of lotteries which I could go into, and with which many members of the House are no doubt familiar, but I do not intend to take up your time going over all the details of this matter and

pointing out to you, as I might, the many countries of the world which use the lottery for governmental purposes to raise money for certain institutions. I might point out to you that only four countries of the world at the present time do not use lotteries for that purpose. I could go on further and show you that lotteries were used by the United States Government for certain purposes; they were used at many colleges and universities, and by countless charitable institutions, by countless churches, the building of public buildings, and for many other desirable and worth-while charitable purposes. I think most of the members of the House are already familiar with many of these facts. But the fact is that the lottery has been used in the past in this country as an institution for many of these purposes.

Now, today, it is my contention that we need the lottery again. We need it in this State because we need money to finance the old age pension, and because the lottery is perhaps the only method we will be able to hit upon to raise this money for old age pensions, because it allows us to raise this money without hitting the poor taxpayer any harder than he is now hit. We need it for a second State purpose: Because the public, buying lottery tickets, innocently enough perhaps, as they inevitably will, have put into the hands of the gangster group the money which these gangsters have ceased to obtain from the liquor and kidnaping racket. The public, by buying these lottery tickets, as they have demonstrated they intend to do, have furnished vicious groups of gangsters, whose network spreads throughout the United States, with money to carry on their illegal and dangerous occupation.

Now we might as well face the fact on this lottery law, the fact that the people of this country spend close to two billion dollars yearly for lottery tickets, and not one cent of this money goes to any worth-while purpose. Post office officials estimate that a half billion dollars goes out of this country yearly to the foreign lotteries; and it has been estimated by the Department of Justice that close to a billion and a half dollars goes into the hands of the gangsters in this country. I think every one has read in the newspapers—and I

have a lot of clippings here which I do not intend to go through—showing unquestionably that a network of gangster lottery extends from one end of the country to the other, and even throughout the State of Maine. If any one doubts that fact or doubts the amount of money that the people of this country spend yearly for gangster lottery tickets, let them look at the facts which are obvious enough right about them.

I am informed that in the city of Portland—and I have been told this by men who have had more experience in this matter than I have—that sixty or seventy people make their living right in that city selling lottery tickets. I was told yesterday down in Gardiner, right in that small town, that four or five men make their living selling lottery tickets. I know that the same situation exists in other cities and towns in the country. I have been told of one small town of two thousand people where one man sells six thousand dollars' worth of gangster lottery tickets a year. I leave this fact with you: That two hundred towns of that size would carry the old age pension. That seems to me a very significant fact.

It is no use for us to say that people should not buy lottery tickets. They do buy them; they will buy them, and in buying them they are turning the money into funds which are used to operate what United States Attorney General Cummings calls a 'government within a government,' which is the way he refers to the so-called 'numbers racket' which is keeping alive lottery gangsters throughout this country today.

I think every one has had in his own experience enough instances to bring this matter to his attention, so that it is not necessary to dwell further upon it. If I felt there was anything really inherently immoral and dangerous to this State in the use of such a plan, I would not appear here to urge it. But you all know that the buying and selling of lottery tickets has become a part of the lives of surely a great majority of the citizens of our country. I believe it has become an innocent part of the lives of a majority of the members of this House, or of any group of men who meet together at any time. I do not believe those men need to

be assured of that. You all know it has been used as a common means of raising money for charitable institutions, for clubs, and for all other institutions throughout the country since the beginning of this government. You all know that at least a great many of the churches in this State of Maine, as in other states in the country, make common use of the lottery in fact or in principle, to raise money for these worth-while purposes.

A fact which you possibly have not thought about is that the lottery will give the State of Maine a chance to raise money from new sources which are not at present available. It will give the young, unmarried man, who does not own real estate, who pays at the present time not one cent to the upkeep of the government, who does not in any way pay his share of the burden of carrying on the worth-while institutions of the State—it will give that man an opportunity to pay his share of the burden of running our government. I think you will agree that that young man or that young woman, now buying lottery tickets every day and every week, will be the ones carrying the large part of the burden of the old age pension, should this bill go into effect. It will also give the State of Maine—and I do not believe that this is a fanciful idea at all—a large sum of money from tourists who visit this State, who will buy lottery tickets in this State. I think there is no question but what a man would far prefer to buy a lottery ticket in a lottery operated by the State of Maine rather than in a gangster lottery, from someone on the street whom he may never see again, and where he knows the chances of a frame-up are very, very likely. For this reason, I do not hesitate to say that the State of Maine will derive a substantial income from the citizens of other states, touring through here, who would buy lottery tickets.

Now the fact that remains that people will buy lottery tickets, charitable institutions will use them, and no one will object to the use of the lottery by these charitable institutions. Churches will use them, and surely nobody seems to object to that. Why then cannot the State of Maine use the lottery to support the institution of the

old age pension fund, which surely most of the members of this House are heartily in favor of?

A member sitting near me has just handed me a lottery ticket, which I notice is an Army and Navy sweepstakes ticket from Canada. Here is a dollar that has gone out of the State of Maine into the hands of promoters of lotteries in Canada, and I venture to say that there are at least dozens of these tickets right here in the House at the present time. I know I have talked with at least a dozen members who have told me so.

Now I am going to bring this matter to a close by saying that it is hard to estimate the money that a State lottery will bring into this State. I have estimated it conservatively at a million dollars, and I never have heard one person doubt thus far but what that estimate surely is a conservative one. I believe that the majority of people believe that closer to two or three million dollars will eventually come in yearly from the sale of State lottery tickets. The old age pension, we are told, will cost anywhere from \$500,000 to \$1,000,000. Surely the lottery would bring in anywhere from \$500,000 to \$1,000,000 or more. There, ladies and gentlemen of the House, you have your old age pension. Show me another way as convenient and as sure that you can raise money to carry on this old age pension. I do not believe anyone can guarantee any other opportunity that the members of this House will have to actually put in practice this old age pension act. I say this is an easy way, and I also say that perhaps it is the only way. Members of the House, before you pass this up, think of this: It may be very heroic to go back home to our constituents and say "No, we had a chance to put this old age pension fund into operation, an easy chance, but we passed it up because there was something immoral about it, intangibly immoral, something of a nebulously immoral nature,—we could not put our finger on it, but we felt there was something immoral about it, so, for that reason you will have to go on in your miserable existence, you unfortunate old people, the best you can, and perhaps the next Legislature will be able to do something about it."

That is not a satisfactory answer to me, and I do not believe it is to the majority of the members of this House.

Now in closing—and when I close, I will say I am going to ask for a division of the House on this matter—this plan of the State lottery is the only way to combat the gangster lottery, because it gives us a source of needed revenue without punishing those who can bear no further punishment, and because it will raise money for the old age pension, and because it is a way which is not foreign to the people of this State, and the only way, perhaps, we can get our old age pension money and put the old age pension law into operation. I favor the bill which is before us.

There is one matter I overlooked, and which I intended to bring up as I went through it, and that is in regard to House Amendment A which you have on your desks. You will notice that Section C, under "Allocation of Funds," reads: "Fifty-five per cent thereof for the general funds of the State, the same to be used in the discretion of the Governor and Council for the payment of old age pensions as provided in Chapter 267 of the Public Laws of 1933." My friend who is in favor of this bill has just told me that he objects to the wording of that paragraph. I would like to call the attention of the House to the fact that Section 267 of the laws of 1933 provided that the Governor and Council should obtain money from the general funds of the State to carry out the Old Age Pension Law, therefore this wording of Section C simply follows the wording of Chapter 267 of the Public Laws of 1933, providing that the money shall go into this general fund and be used at the discretion of the Governor and Council, just as that act two years ago provided, for the carrying on of the Old Age Pension.

For this reason I am urging the passage of this act. I do not believe I will care to speak again on it, although I would like to reserve the right to speak five minutes,—inasmuch as I am giving everyone a chance to shoot at me,—at the close of the other arguments, if it seems necessary.

I thank the House for the courtesy of giving me the opportunity

to put the amendment before the House, and when the matter comes up for vote, after the conclusion of the debate, I ask for a division. (Applause.)

Mr. BURNHAM of Kittery: Mr. Speaker and members of the House: I wish to compliment the gentleman from Lincoln (Mr. Weatherbee) on his skilful and dynamic presentation of what he had to work with on this question. I feel it my duty to bring to your attention some of the reasons I think should actuate us in voting against this lottery bill.

This new draft differs quite materially from the original bill which was before the committee on Legal Affairs, but it is still a lottery measure and as such is open to all of the objections which were presented at the hearing before the Legal Affairs committee, a majority of which committee, after a lengthy hearing, reported eight to two ought not to pass.

This bill sets up a Commission, another Bureau to be maintained, with three members whose combined salaries amount to \$10,500, together with the cost of clerks, printing and other overhead which will run up to about \$20,000 or \$25,000 per annum, without any definite knowledge as to the amount which inure to the State as a result of the establishment of a lottery.

Now the history of lotteries in the past has been dwelt upon by the proponents of this measure. I find that the lotteries in the early history of the country were dedicated almost exclusively to some specific purpose, such as the erection of public buildings or promoting some public work, but they have never been considered as a contribution to the public revenue as a tax measure, which is proposed in this bill.

In 1883 lotteries were prohibited in Massachusetts, New York, and most of the other states, except Louisiana. The older members of this Legislature will no doubt remember the scandals connected with the Louisiana State Lottery. I can just remember as a child hearing some discussion in regard to it. The Louisiana Lottery was finally terminated in 1890, although the promoters offered the State a large sum of money for the continuance of the right to operate.

As the result of the wave of public sentiment against the Louisiana Lottery, the State of New York and some other states enacted an amendment to their constitution forever prohibiting lotteries. Those constitutional amendments, so far as I am able to ascertain, are still in force. At the time of the termination of the Louisiana State Lottery a court decision was rendered. I will quote from the language of the court: "No Legislature can bargain away the public health or the public morals of the people. The people themselves cannot do it, much less their servants. The government is organized with a view to their preservation, and it cannot divest itself of the power to provide for them."

We have in Maine, under chapter 136, sections 18, 19 and 20, very stringent laws prohibiting lotteries and fixing a penalty for their violation, which to my mind indicates the very serious consideration which we should give this measure before we say to the citizens of Maine in Legislature assembled: "It is a serious crime for you, individually, to do this thing, but it is legal, moral and ethical for the State to do it." Now, members, that is one of the things for us to think over before we vote on this measure.

The reason given for the enactment of various statutes against lotteries is that lotteries tend to promote a gambling spirit. In 1698, in England, lotteries were prohibited as common nuisances, by which children, servants and other unwary persons have been ruined.

The Federal statute, chapter 321, section 213 of the laws passed by the 60th Congress in 1909, reads as follows—I am sorry to take your time, because it is quite lengthy, but I think we should know just what we are up against from a Federal point of view. We find this language in section 213: "No letter, package, postal card, or circular concerning any lottery, gift enterprise or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share or interest in or dependent upon the event of a lottery, gift enterprise or similar scheme offering prizes dependent in whole or in part upon lot or chance;

and no check, draft, bill, money, postal note, or money order, for the purpose of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contained any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier." And it goes on to provide a penalty of imprisonment for not more than five years.

Now how is your lottery commission to conduct the proposed lottery in the State of Maine, with the area we have, without the opportunity to send the lottery tickets or the remittances for the same through the mail?

In 1932 the King of England appointed a Royal Commission to investigate the advisability of conducting national lotteries. This commission made an exhaustive study and prepared a voluminous report, in a pamphlet from which I would like to read just a few extracts from their findings, on page 59:

"The experience of many observers suggests that those who are in serious financial straits are ready victims to the gambling habit. If income falls short of expenditure, the position cannot be made much worse by the expenditure of a shilling or two a week on betting, while a lucky bet may result in a coup which affords substantial relief. It is significant that gambling has increased at a time of economic and industrial depression." And on the next page:

"Nevertheless, the weight of the evidence shows that gambling is responsible for a considerable proportion of criminal cases where fraud or embezzlement is involved."

And, finally, the general conclusion of this Commission, which made a long study and compiled this report of some 160 pages:

"General Conclusions.

The institution of large lotteries in this country is not recommended. Such a step is undesirable in itself

and unlikely to assist very materially in suppressing the sale in this country of tickets in lotteries promoted elsewhere."

A lottery in this State will not assist in checking the illegal sale of tickets in the Irish Sweepstakes or Canadian lotteries, as the person selling these tickets receive a commission on the tickets sold, and the large prizes offered will make them more attractive. In nearly all of the earlier lotteries I find that prizes were made up of from sixty to seventy or eighty-five per cent of the amount of money involved. In this case the offer is thirty per cent in the original draft and thirty-five per cent in the amendment.

Now what chance has the individual got with that amount of the whole sum coming back in prizes?

The Tax Commission appointed in connection with the Public School Commission has made a careful study of the various methods of raising revenue and have reported thereon. You do not find a suggestion in their report of establishment of a State lottery to raise funds. If that Commission had considered it feasible and there had been any virtue in the proposition, I submit to you they would have investigated and reported thereon.

Recently the Province of Quebec abolished all lotteries within its borders, where they had been conducted previously.

At the hearing before the Legal Affairs committee on the pari mutuel bill, one of the strongest arguments advanced in favor of that bill was the fact that racing would be conducted only a few weeks each year. I call your attention to the fact that this lottery would be a continous performance the year round.

I find on inquiry from those sections where pari mutuels are now operating, namely, in New Hampshire, that the storekeepers and merchants are suffering during the period of betting. They are not spending their money for legitimate purposes and paying their bills while this betting is going on, and certainly if you get that in the State of Maine the year round, you will have a much worse condition than you get there during the period when betting is going on.

I recently read an article in the newspaper by the Attorney General

of Rhode Island, relative to pari mutuel betting there. The article reads:

"Since the closing of the legalized pari mutuel machines at Narragansett Park in Pawtucket last October, the entire state has been gripped by a betting craze . . . The betting craze has taken a firm hold on women, and particularly clerks and stenographers. Pool ticket sellers visit office buildings, stores and even public buildings."

Now, to summarize: A public lottery tends to destroy public morals; it is uneconomic; it tends to make spend thrifts of those of our citizens who can least afford it; as a tax measure it does not distribute the burden equally.

The old age pension fund is mentioned as a possible use for any profits from the lottery. In opposing the bill I do not intend to convey the idea that I am not in favor of relief for the aged. I believe we must provide some legitimate means to take care of our old people, but I do not think we should sidetrack that important matter on such a flimsy and insecure proposition. Let us face the issue and make some legitimate provision for the future care of our aged and not make them dependent on the uncertainty of any profits from this business.

There have been lottery bills presented in four states, including Maine New Hampshire, this past week, voted down a measure for a state lottery. Pennsylvania and Massachusetts have bills before them now.

I would like to read, if you will bear with me, from the report of the Tax Policy League of New York, an association which made a careful study of methods of taxation. They summarize the objections to lotteries as follows:

"There are, however, some pertinent economic considerations involved in the lottery question. First, lotteries are supported largely by the poorer strata of society so that they tend to be a regressive form of taxation; second, while the lottery is going on large sums of money are withdrawn from circulation. The social and moral considerations involved are usually considered weighty. Lotteries give rise to a very pernicious form of gambling, particularly among those who can ill afford to indulge in such a pastime. After the drawing for a

grand lottery in London under the old system there were 50 cases of suicide among persons who were disappointed in the lottery."

I think, members, that this is sufficient to convince you that we want nothing to do with this type of taxation in Maine. As the gentleman who spoke for the proponents said, or intimated, we can either join up with the gangsters, oppose the gangsters or compete with the gangsters in this manner of raising revenue. I thank you.

Mr. STILPHEN of Dresden: Mr. Speaker, I move, when the vote is taken, that it be taken by roll call. I believe we should send back home a record of how we stand on this gambling question.

Mr. CHASE of Sebec: Mr. Speaker and members of the House: As a member of the Legal Affairs committee and one of the eight who voted ought not to pass, I will say that we held it in the committee for a long time in order to give it serious consideration. I hope that when the vote is taken, it will fare no better than it did in the committee, namely, four times as many opposed as there were for it. If this bill becomes a law, who will be the purchaser of lottery tickets? In a majority of cases it surely will not be our out-standing citizens because they well know that there is a very remote chance to win. It will be the person of small means, clerks, laborers and others, who need the money used to purchase tickets for food, clothing and education. Where is there a father or mother who would influence their son or daughter to gamble? As a member of the Appropriations committee I, with other members of the committee, visited this week the institution across the river from this House where nearly eighteen hundred inmates are confined. I venture to say many are there as a result of heavy losses caused by gambling which started in a small way. This bill calls for the appointment of a committee of three members at a yearly salary of \$9,500, and the State has to finance the scheme at the start.

Who are those opposing this gambling device? The answer to that is, a majority of our very best citizens, our churches and the W. C. T. U. I will read only two of the many letters I have received

urging me to do all in my power to oppose this bill. One is from a citizen of Milo of very great influence, another a man of the same type from Greenville.

"Dear Mr. Chase: I am opposed to passage of the so-called State Lottery Bill and am authorized to speak for a large group in our community who hold similar views.

"Under present conditions we are on the toboggan going down grade socially, morally, and economically. Our State is already in the liquor business and the lottery would add materially to the sum total of misery. We cannot drink and gamble our way to prosperity. Cuba thought she could. I spent some time in Cuba studying her methods. See Cuba today.

(Signed) Very truly yours,

Edwin M. Hamlin'

I will say in connection with this letter that Mr. Hamlin has been urged many times to become a candidate for our Governor.

Here is another, a letter from Greenville: "In behalf of a large group who believe in checking vice and crime as near the source as possible, and that 'an ounce of prevention is worth a pound of cure', I wish to plead with you as a Representative from our County to our State Legislature to vote and work against the opening of our State to the legal nurturing of the gambling vice. The shocking strength of the criminal classes is an outstanding menace to our civilization and gambling is an introductory vice leading toward this monstrous structure of crime. To deliberately slap in the face the whole steady-going element of Maine's population by making the State start a legal crusade to plant and cultivate this basic vice is unnamably vicious. We hope you will do all in your power to prevent it. In behalf of a more moral civilization I urge it.

(Signed) Harry Chase Vrooman'

I move the adoption of the majority report, ought not to pass.

Mr. DONAHUE of Biddeford: Mr. Speaker and members of the House: The history of the lotteries given by my brother from Kittery, Mr. Burnham, does not negative the fact which is known to every member of this body that lottery tickets are sold in the United States and are sold in the State of Maine. While the report from which he read relating to lotteries in England purports to convey the idea

that lotteries are illegal in England, I do not believe that any member of this House thinks that in fact they are. He stresses the proposition that there is a marked difference in the percentage which the winner on the present illegal lottery ticket gets and the chance of winning under a State lottery. I do not believe that there is such a marked difference as he has stated. We also have this element to consider, namely, the fact that if this lottery is operated, the winner will be assured of getting his money.

While the principal objection to the lottery bill before the Legal Affairs committee was that it would be a violation of the Federal laws if used in Maine, I believe that we can safely trust to the hands of any Commission who would be appointed by our Governor and Council a careful execution of the provisions of this law so that in no way would we violate any Federal statute.

The argument that this bill permits the operation of a lottery for fifty-two weeks out of the year denies the argument of our opponents that it is questionable whether or not this lottery would be a success because some \$25,000 would be involved in the operation of the Commission. The argument has also been stressed that the people who would buy these tickets are the people who least can afford to do so. Who are buying the tickets in the State of Maine now? I do not believe that any member of this House will dispute the fact that such tickets are being sold here, and, if they are being sold here, there necessarily must be buyers who are buying them and it must be the same people who would buy tickets in your State lottery who are now illegally buying tickets to aid the gangsters of other States. I sincerely hope that this bill will receive passage. (Applause)

Mr. JACOBSON: Mr. Speaker, I now move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Jacobson, now moves the previous question. Before the Chair can entertain this motion, it is necessary that one-third of the membership present shall rise. All those in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

Thirty-six voted in favor of the motion.

The SPEAKER: Will the monitors make a count of the members in their seats?

A count being made, one hundred and thirty-four were declared present.

The SPEAKER: One-third of those present not having consented, the Chair cannot entertain the motion for the previous question.

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, a question as important as this should have a fair and impartial discussion and a thorough discussion. I do not believe it should be shut off. I believe that every man who represents any section of the State of Maine should have the privilege of saying what he wishes to say in defense of his position.

I am opposed to this bill. I am opposed to it because it is a gambling bill, and the worthy member from Lincoln (Mr. Weatherbee) has designated it as being a gangster bill. Now gambling! Anything is gambling when you bet or hazard anything of value expecting to win by chance, or by lot, or by hazard, something more valuable. Therefore it is a gambling bill and it makes no difference whether you bet on horses, whether you bet on cards or whether you bet on stocks and bonds. If you expect to get something that you do not give value received for, well, it must be either gambling or stealing, one or the other, and this is a gambling bill and it is an immoral bill. Anything that works against the moral law must be immoral, and that which is not for the good of the people must be immoral. Therefore this is an immoral bill because it is against the public good and against the moral law. Gambling is a vice different from all other vices. A man will go out and get drunk, he will stagger along the streets and go hiccoughing home to his children, but, as soon as he sobers up, he loves them. He is sorry that he spent the money that they needed. He listens to their cries for bread and he will say, "I will never drink again," and he will attempt to sober up. But the gambler is possessed of a different demon. He is on fire with a different passion. He goes to his home, he walks along soberly, but he goes in and the love that he had for his family is

gone. Every gambler will bear me out in this. He pays no attention to the cries and entreaties of his wife and his children. He is set on fire by a passion that he cannot smother and you can pile up in front of that man prayers and entreaties to the heavens, but while he will leap over them like the mountain lion, he will go down to perdition; he cannot stop it. He is possessed of a demon that he cannot conquer, and so it goes on.

Now, then, about two years ago, in the great empire county of Aroostook, where there is as little gambling, perhaps, as anywhere in the State of Maine, (laughter) I was called, or rather I heard of a home that was destitute and I visited that home. I planned my trip at the noon hour when the children would be home from school. I knocked at the door, the woman opened the door but she did not seem to be inclined to invite me in. Nevertheless I went in. There were six children at the table. I looked the table over and there was not a thing on it to eat but potatoes. I said to the mother "Mother, haven't you any bread?" and she said, "No." "Haven't you any meat," and she said, "No." I said, "Haven't you any eggs or milk or butter?" and she said, "No." I said "Haven't you anything but potatoes?" and she said "No." I looked at that table and those pale-faced, emaciated children, and as true as there is a God in heaven there wasn't a thing on that table to eat but potatoes. I said, "Mother, tell me how this thing came about." She brushed the tears from her eyes, that were falling like the rain that you hear on the shingles on the roof, and she said, "Mr. Bubar, he gambled it all away and he will not work." I said "Where is he now?" She said "He says he has gone away to look for work, but I know he has gone away to look for a place to gamble." She said "He bet all and he lost all and he lost our home." She said "There hasn't been a day for three months when we have had enough to eat." There are members of this House who know that I fed that family for six months. Now do you think that I am going to vote for a system that will drive a man from one cottage to another until he leaves his family in rags, his wife and children hungry? I will never do it. It is an immoral bill and it is a bill

that should not be fostered by this House or by the citizens of the State of Maine.

Now, then, I have here, and I am reading,—this is February 3rd, Fort Worth, Texas "THE RACE HORSES CAUSED THIS — A VOICE FROM THE TOMB". This is a note in a hotel on Saturday, February 2nd in a room of a down town hotel where K. W. Alford of 539 Arlington, was found dead. The note went on to say "The greatest thing the Legislature can do is to repeal and enforce the gambling laws. May God have mercy on my soul and watch over and protect my family." Hospital attendants said he appeared to be suffering from poison. The police found a bottle of poison, half empty, in his room. Alford was an employee of the Humble Pipe Line Company. He is survived by a wife, five daughters and a son.

Members of the House, if gambling, if a lottery, if a pool was responsible for no greater crime than that then I say that the members of this House cannot afford to look upon it with any degree of complacency whatever and it should be banished from the State of Maine. I might go on and give you many other cases where gambling is a vice that works hardship to the people of the State of Maine or to the Nation.

Now, then, this bill, they tell me, is sponsored by a few men who are claiming that it is a Republican measure and therefore must go through, and I deny the charge. They have circulated the report around freely that certain bosses tell us that this measure must go through. Well, I am not afraid of the bosses. I have had a lot to do with them in my lifetime. We have religious bosses and denominational bosses just as we have political bosses, and I have been called to the mat a good many times, but I have always succeeded in getting up. The worthy gentleman from Lincoln (Mr. Weatherbee) accuses the churches of being in the lottery business. He might as well have said the gambling business and the gangster business. Well, there may be a few devices used that we do not approve of, but these devices are always pressed upon the church by the bosses. They are not favored by the God-fearing, praying, rank and file of the mothers and fathers in the churches. No, they

are sponsored by certain money-mad bosses who have wormed their way to the front and attempted to dictate to the churches just as the political bosses attempt to dictate to political parties. I was called in before the bosses sometime ago and they said, "We don't like the way you are doing business in our denomination." "Well," I said, "I believe the Lord God Almighty does." "Well," they said, "we don't like it and we want you to change your tactics." They said, "You are preaching too much of the new birth and you must stop preaching the doctrine of the Holy Spirit, you must stop preaching of the personal return of the Lord Jesus Christ, and you must stop preaching hell-fire and the damnation of sinners." They said, "Many people do not like it and therefore they do not attend our churches." "Well," I said, "I am going to preach it just the same." Then they said, "We will devise some way to bring you into court and we will discredit you so that you will not have a chance to preach any more." Well, members of the House, I am still preaching, regardless of the bosses, and I want to say this to this honorable body: Don't you bend or bow to any political boss and be driven to vote for this bill for there is a time coming when these two or three money-crazed bosses who are at the head of one of the greatest denominations of the State of Maine are going to be put out of business and the rank and file of the great Baptist denomination is going to rise up and come to life and the dry bones are going to rattle and the fear of God is coming into their souls, and they will go forth as dangerous and as mighty as an army with banners, and they are going to sweep like a prairie fire from one end of the State to the other. I am going to serve notice on the men who support this measure that this fire is going to burn you up and your charred bodies will lie in the homeland as a warning to other political would-be's that it does not pay to play with fire. You had better not support this measure. I will tell you that three hundred Baptist churches in the State of Maine are against it, thirty-five thousand members and 145,000 followers, and ten thousand old John Wesleyan Methodists and nearly 40,000 followers. All these are against this bill and

they will rise up in righteous indignation and call you down. I am going to tell you that it will be no political bosses who will be dealing with you and you will go to the morgue and will never come out again. I am pleading with you to listen and pay attention to this.

Now, then, I am opposed to this bill because it is tacked on to our mothers. They tell us that we must pass this bill or the old mothers of Maine will suffer and there will be no pension for them. Now we ought to give the old mothers a pension—I am in favor of it and they are going to have a pension—but I believe that they are going to have it right. I do not believe that our old mothers who cared for us when we could not care for ourselves—and they did not care for us with the products of a gambling device—they cared for us through honest toil and labor and sacrifice. When we could not buy our own food and buy our own clothing, they labored and toiled to get it for us and they did it in an honorable way. They set up far into the night, prayed over our cots when we were sick and helpless, and now that they are old and in need it is proposed to tie them up with this gambling device and lead them down to the grave. I say such a thing is preposterous. I have a mother; she is dear to me and she is old. Her hair is as white as the hoar frost that hangs from the apple tree in her garden, and her face is stained with the scars of many sorrows, but also softened with the memories of many joys. She is long past the eighty mark and she is staggering along to the ninetieth goal. I trust she will never need this pension. She went down into the Valley of Death and brought ten children into the world. Seven of us are living and we do not intend that she will ever come to want. We expect to guide her faltering footsteps down to the Western Gate and usher her inside; but there are other mothers who need help and who should have help, and the proponents of this bill are appealing to the grandest, most holy sentiments known to the heart of man to get their measure through. They are tying it to the old gray-haired mothers of Maine and I protest with all the fire of my soul that our mothers are entitled to better treatment than this gambling device which would give to them the heart's

blood that comes from the dripping heart of a mother who has been ruined by a gambling boy or a gambling father or a wife of a gambling husband. I say that all this is immoral, is unjust, is unchristian, and, moreover, it is un-American. I do not believe this measure should go through.

Now, then, it may be that some of you have promised the proponents of this bill that you will support it. Listen to me, honorable members! You have a right to change their minds; you are older than you were yesterday, you have had light on the subject and you are much wiser than you were yesterday. You have a perfect right to change your minds and I beg of you to assert your manhood and the love that is in your hearts for the old women of the State of Maine that it shall have precedence over this gangster, gambling, immoral device that they are trying to load on to our old mothers in order to give them what they need in their old age after we have taken over the fruits of their labor. They have paid their taxes, built our schoolhouses and our colleges, they have built our highways and they established every public interest that you and I enjoy today, and I say that they have their right to respect and an honorable livelihood, and I say that if we are going to take from them these institutions, then we should support them, but we should support them in just as honorable a way as they paid their taxes to build these institutions. So I plead with you on behalf of the mothers and the boys and girls of the grand old State of Maine to stop this thing here and stop it now. I thank you.

Mr. CLARKE of Cooper: Mr. Speaker and members of the Eighty-seventh Legislature: I did not intend to speak on this subject, although I have thought considerable about it. I have listened with a great deal of interest to the gentleman from Blaine (Mr. Bubar), who has just spoken, and I feel that he is absolutely sincere in his convictions and in the stand which he takes. I trust that he will feel that I am just as sincere in the stand that I take. He has alluded to conditions in religious organizations and asserted they were thrust upon them by bosses. Perhaps they were, but those conditions are allowed to exist, I suppose, by a ma-

majority of the members of those religious organizations.

The question of morals has entered into this. I am not just sure in regard to the definition of morals. I presume that in a broad sense it relates to the manners and conduct and behavior of people. Now it never seemed to me, when I bought a lottery ticket in a fraternal organization, or in a religious organization, that I was immoral. It may be so, but I did not feel it. I have bought those tickets; I think the most of us have. I have not, up to the present time, purchased a sweepstakes ticket, although it is possible I might, if I had a chance and I thought I could get some money out of it.

The gentleman speaks of the bosses being behind this bill. I do not think that can hardly be cited in my case. Those of you who know me know pretty well that I do not usually listen to what we call the bosses. At least, if I do, I am willing to form my own opinion afterward, and not just go by what they say. I do not believe that is so.

This is a proposition that has engaged the attention of the members of the Legislature for practically the whole session. The gambling spirit which the member speaks about is present in all citizens. We all have it. Possibly it is wrong to have it, but we are all born with it. As you go home today, watch the children along the street playing marbles. You have played marbles; you have entered into games of chance, and you have bought tickets. As the gentleman said a while ago, probably, or possibly, there are a lot of lottery tickets in the pockets of the members here today. If so, I hope they win.

Now this spirit has been called a demon spirit. If so, I have been sitting here during this Legislature with a pack of demons, for I think every one of you have it more or less, but I do not believe it will do you any special hurt.

Now it was said at one time by an eminent gentleman that what confronted us at that time was a condition, not a theory. Now we have at the present time two conditions. You know what they are. Lottery tickets are being sold in Maine; the money is going out of Maine; the gambling spirit, if you

like to call it that, is bad for you, yet we all buy lottery tickets. Probably a great many of those lotteries are not conducted fairly. The buyers of those tickets, even if they were winners, would not receive the money. It seems to me, although this conclusion reached by one perhaps of the average group may be not very good—and I hope not very bad—that we have that condition with us, and there would not be any harm to the State of Maine in conducting a lottery.

On the other hand, you know the condition you have with you in regard to old age. Every one of you can recall to your mind, probably, dozens of instances of old age, and, what is most pitiful, destitute old age.

“Old man sitting in the sun.
Mother of Christ, must I be one?
Old wives sitting at their tea.
Son of Mary, have pity on me.”

Old age is pitiful, but when it is attended by absolute dependence on charity, it is doubly pitiful.

“I sing the hymn of the conquered
Who fell in the battle of life;
The hymn of the wounded and beaten
Who died overwhelmed in the strife.

Not the jubilant son of the victors
For whom the resounding acclaim
Of nations was lifted in chorus,
Whose brow wore the chaplet of fame.

But the hymn of the low and the humble,
The weary, the broken in heart,
Who strove and who fell acting nobly
A silent and desperate part.

Whose youth knew no flower on its branches,
Whose hopes burned in ashes away,
From whose hand slipped the prize they had grasped at,
Who stood at the dawn of the day

With the wreck of their lives all around them,
Unpitied, unhappy, alone,
With death swooping down o'er their failures
And all but their faith overthrown.”

Can we not at least send a glimmer of hope to those people by opposing this bill?

Mr. FORTIN of Lewiston: Mr. Speaker, I heard the word “fire” so I thought I would get up. May I present myself as Exhibit A, meaning a buyer of these lottery tickets. I might be subject to arrest for divulging a secret, so I will impose upon the members of this Legislature by asking them to hold a lottery to raise money for my release. I have bought these tickets for many years, and in buying them I bought them openly, without the least thought that I was violating any law of decency. My total investment in buying these tickets was very small, compared with the anticipated or actual pleasure that I got out of it. Sometime I won, and many times I lost, but, notwithstanding, I got a kick out of it.

We all know that certain churches have indulged in the practice; we also know that many organizations have indulged. Last week, in our city, an organization ran the most wonderful show that was ever put on in this State. They turned away from their doors thousands of persons. Do you mean to tell me that all these people bought these tickets for the pleasure of the show—although the show was worth fifty times the price of the ticket? No, I do not think so. I think that these tickets were purchased by people anticipating the pleasure of winning a car.

A certain town purchased a fire truck from me recently—and, by the way, it is going to be delivered this week—and I know that most of the money was raised through the so-called system of lottery, because I bought many of the tickets myself.

As I said before, I and many others purchase those tickets, and we are going to keep on buying them.—I know I am, whenever I have a chance. We know that the money will go outside of the State. Now it seems to me, in view of the fact that this has gone on for years, and will continue, that we might as well grab what is going by our front door, so that the State may benefit by it. I hope that this bill receives a favorable passage from this House.

Mr. WEATHERBEE of Lincoln: Mr. Speaker, I hope the members will not mind me taking up just a few minutes more in a final summary of my part of the case.

I had another lottery ticket on my desk someone just passed me,

but evidently it has just been taken away.

In the first place, I do not know whether my friend Mr. Bubar, considers me a political boss or a political would-be, but I do remember, last night at the Republican caucus, I stated that I did not consider this to be a party measure. I spoke briefly about the matter simply to put my own ideas before the caucus. I do not see how Mr. Bubar could have misunderstood.

Now, there seem to be two misunderstandings here on the part of the opponents of this bill. In the first place, we are not talking about horse racing or poker playing, and we are not talking about pitching pennies or matching nickels. This is a question simply of a State lottery for the benefit of the old age pension. The second fact which my opponents chose to overlook is that people are buying lottery tickets at the present time. Nobody can overlook that, I am sure. The only difference is that at the present time the money is going out of the State, never to return. The money is going into the hands of a vicious band of gangsters, while we have to pay taxes to combat those gangsters. Thirdly, the old people of the State still suffer on without any aid along the lines of an old age pension, in spite of the fact that from one to three million dollars is going out of the State of Maine every year.

Now one of the members has said there were fifty cases of suicide somewhere in England, because people were disappointed when they did not win lottery prizes. That probably is true, although I never heard of any case of suicide in the State of Maine for that reason, in spite of the large number of lottery tickets sold today. But I do remember that last week I read in one of the papers I had on my desk, on two consecutive days, that two elderly people of this State committed suicide because they had no money to live on, and because they could not stand to pass a life in which they were condemned to poverty and suffering in their declining years. Those two people in that one week took their lives for that reason.

I, for one, hope that this amendment and this measure will pass, that we may, as a House, give these old people assurance that we are not going to allow ourselves to be dissuaded by any of these arguments, and we are going to pass this

act and give these old people the protection they need.

I hope that we will have a division of the House on this matter. I believe a division will give us a fair idea of those who are in favor and those who are not in favor of this bill.

Mr. BURNHAM: Mr. Speaker, I just want to say a word or two. I did not attempt in my talk to deal with prejudice or threat, or question any man buying a lottery ticket, if he, individually, sees fit to do so at the present time, but I said it was based on authority, which I can substantiate if any member questions the various authorities I quoted.

There is one thing which I wish to mention which escaped me, and that is that the government at the present time is making a great drive against lottery tickets being sent through the mail. They have only recently seized thousands of these lottery tickets illegally sent in here from other places. Certainly they are not going to permit any lottery tickets which are authorized by the State of Maine to go through the mails and at the same time seize these illegal tickets.

Mr. CROWELL of Weston: Mr. Speaker, we have before us L. D. 753 dealing with the question of the lottery business. I have been thrilled, along with you, with the eloquence of the gentleman from Lincoln (Mr. Weatherbee) because I was a member of the Eighty-sixth Legislature and heard similar arguments in regard to another bill. As far as I am concerned, I am convinced that the statements he has made are sophistries. It is true that they have been pictured in eloquent language, but the history of the past has proven that his conclusions are not based upon accurate fact. I am surprised that the gentleman from Lincoln (Mr. Weatherbee) and one other, should say that members of this House have been purchasing lottery tickets because I was going to contend that that was not true because I know that every member of this House has taken a solemn oath to support the Constitution and the laws of the State of Maine, and I believe that the members of this House are an honorable group.

It is true that lottery may be sold in the State of Maine. It is also true that liquor was sold in the State of Maine under prohibition and they came to us with the same kind of argument, identical in im-

port, and told us that we should repeal prohibition because we should do away with bootleggers, and what happened? When we did away with prohibition the United States Government immediately increased the Federal agents from 1,800 to 5,000 because they knew that bootlegging would increase, and it has increased. If you want to use the same kind of argument that has been used here today you could apply it to stealing, you could apply it to houses of prostitution, you could apply it to many different things because crimes are committed and people are departing from the things that have been considered right in the past. This is no reason why we should have legislation in there to lower the standards of our general laws in order that we might make those people who care to break the laws respectable.

I know each one of you have formed your own conclusions and nothing that is said in debate today will in any way change your minds and yet it is only fair that we discuss and form our conclusions from the events of the past because we have no way of judging the future other than by the past. We do know that one of the worst instincts of the human race is the gambling instinct, and wherever it has been indulged in it has left in its pathway wreckage and ruin, broken homes, destitute children and many other evils. It is true that there are moderate drinkers who indulge and bring sorrows upon their families. It is true that there are people who buy lottery tickets and those who are connected with them are made to suffer; but we must look at things from the broader point of view than that of the individual. We must look on them from the point of view of the masses and what the effect will be upon the masses. We can never bring to this State or Nation prosperity by any illegitimate or unfair way of taking from one group and giving to the other. I have in my hand a quotation that came from Governor Ely of Massachusetts who says: "The principle of it is unsound. The example is bad". I also have here an editorial from the Boston Herald, as follows: "At the lowest minimum of expense, more than two dollars would have to come in from the sale of tickets for every single dollar thus divided among the towns and cities."

Here is another editorial: "The

argument against legalizing a lottery which will probably always have great weight is that while such a scheme may fatten the State's treasury it can only be done at the cost of demoralizing the people."

The United States has had experience with lottery business, and we have decided, years ago, that it was not good. I hope that the motion of the gentleman from Lincoln (Mr. Weatherbee) will not prevail, and that the minority report will not be accepted because I do not believe we can help in any permanent way the mothers of Maine in the manner that has been suggested. Somehow I feel, in the background—the people who have been sponsoring this measure are probably unconscious of it—but there is a sinister selfish instinct of trying to camouflage their own interest behind the mothers and fathers of the State of Maine. Oh, how absurd it is to think that because we take money from a cause that is wrong we can make it right if we give it to the destitute!

I quote from an editorial in the Lewiston Journal, from the pen of Arthur Staples: "It would be a damaging matter,"—if we accepted the lottery method—"it might react on the State credit. It would drag 'Dirigo' into the mud. 'I lead,' says the Maine State Seal, but it is supposed to mean 'I lead upward,' 'I direct'; but I direct toward Christian culture."

May the law-making body of Maine ever legislate to high levels and not to lower standards.

Mr. JACOBSON of Portland: Mr. Speaker, I now move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Jacobson, now moves the previous question. To entertain this motion the consent of one-third the members present is required. All those in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: More than one-third of the members present having obviously 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 main question was ordered.

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

The SPEAKER: All those in favor of taking the vote by the yeas and nays 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.

The SPEAKER: Obviously one-fifth not having arisen, the vote will not be taken by the yeas and nays.

The question before the House is the adoption of House Amendment A to House Amendment A, H. P. 147, L. D. 49, on bill An act creating a State Lottery Commission. The question before the House is on the Adoption of House Amendment A to House Amendment A. The Clerk will read the amendment.

(Amendment read by the Clerk)

The SPEAKER: The question is on the adoption of House Amendment A to House Amendment A and a division has been asked for. All those in favor of the adoption of the amendment will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

Eighty-six voting in the affirmative and 38 in the negative, House Amendment A to House Amendment A was adopted.

Mr. CROWELL of Weston: Mr. Speaker, would it be in order to have the main question put by the yeas and nays. It seems as though everybody in the House should be willing for the people of Maine to know how they vote.

The SPEAKER: The gentleman is in order.

Mr. CROWELL: Mr. Speaker, I would move that when the vote on the main question is taken, it be taken by the yeas and nays. I want my people to know how I am voting. Do you?

The SPEAKER: The question before the House now is the adoption of House Amendment A as amended. The gentleman from Weston, Mr. Crowell, has asked for a roll call. All those in favor of the vote being taken on the main question by roll call 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.

The SPEAKER: Thirty-four hav-

ing arisen, which is one-fifth of the members present, the roll call is ordered. Now does everybody understand the question? You have adopted House Amendment A to House Amendment A, and now the question is on the adoption of House Amendment A as amended, which in effect is the re-adoption of House Amendment A to House Amendment A. Are you ready for the question?

Mr. BURNHAM of Kittery: Mr. Speaker, I think some understand that we now in effect are voting for the new draft of amendment which is the new draft of the bill.

The SPEAKER: The gentleman is correct. You are voting on House Amendment A as amended. Are you ready for the question? The Clerk will call the roll, and those in favor of the amendment will say aye, those opposed no.

YEA—Alden, Allan, Belaire, Bouch-cr, Braedon, Bramson, Burrill, Bushey, Carswell, Churchill; Clark, Plymouth; Clarke, Cooper; Connolly, Cote, Crosby, Cummings; Davis, Newfield; Demers, Desmond, Donahue, Donovan; Doyle, Skowhegan; Elliot, Ellis, Rangeley; Eveleth; Forgue, Lewiston; Fortin, Gibbons, Gleason, Hammond, Hastings, Heald, Hearn, Hobbs, Jacobson, Jandreau, Jillson, Kilroy, King, Labbee, Lancaster, Lauster, Lebel, Leclair, Lindsey, Mace, MacKenzie, Mahou; Martin, Dexter; MacKay, Mosher, Payson, Poulin, Proctor, Richardson, Rush, Sawyer, Scates, Seabury, Shaw, Sleeper, Smith, Van Buren; Sprague, Stoddard, Thompson, Belfast; Thompson, Chelsea; Thurston, Vaughan, Wallace, Weatherbee, Wentworth, Willey, Wright, Young.

NAY—Austin, Exeter; Austin, Parkman; Ayer, Brown, Bubar, Burnham, Cambridge, Campbell, Carleton; Chase, Baring; Chase, Limington; Chase, Sebec; Cole, Cook, Coolidge, Crowell, Currier; Davis, Fairfield; Deering, Devereux, Dorr, Dow; Doyle, Caribou; Drisko, Eddy; Ellis, Castle Hill; Findlen, Flanders; Fogg, Rockland; Forbes, Fowles, Goss; Gray, Brooksville; Gray, Presque Isle; Hagan, Hall; Harriman, Gardiner; Harriman, Prospect; Haskell, Hathorn, Higgins, Hill, Kendrick, Leonard, Lewis, Mallett; Martin, Oakland; Mason, Newton, Noyes, Oliver, Palmer, Parsons, Patterson, Phair, Philbrick, Pike, Roach, Russ, Ryder, Sennett, Sewall, Smith, Bangor; Stickney, Stilphen, Story, Tupper, Webber, Wheeler, Woodbury, Worthen.

ABSENT—Burgess, Dennett, Graves, Hescok, Latno.

Yes—74.

No—71.

Absent—5.

Seventy-four having voted in the affirmative and 71 in the negative, the amendment was adopted. (Applause)

Thereupon the bill, as amended, had its two several readings and tomorrow assigned.

On motion by Mr. Philbrick of Cape Elizabeth, the House voted to reconsider its action of yesterday, whereby it accepted the ought not to pass report of the committee on Judiciary on bill an act relating to pauper settlement of Indians, S. P. 381, L. D. 398.

Mr. PHILBRICK: Mr. Speaker, when this bill was heard before the Judiciary committee that committee was unanimously in favor of the report ought to pass. By a clerical error it came in ought not to pass and the error was not discovered yesterday.

On motion by Mr. Philbrick, the bill was substituted for the report, given its two several readings and tomorrow assigned.

On motion by Mr. Campbell of Leeds, the House voted to reconsider its action of yesterday whereby it passed to be engrossed an act to incorporate the town of Leeds School District, H. P. 1767, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment "A" to H. P. 1767, bill an act to incorporate the town of Leeds School District

Amend said bill inserting after the word "hereof" in the second line of section one, the words 'the inhabitants of'.

Thereupon House Amendment A was adopted, and the bill as amended was passed to be engrossed.

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

Mr. SLEEPER: Mr. Speaker, I wish at this time to reconsider our action of yesterday whereby I made a motion to recede and concur with the Senate on the act relating to the use of materials in construction of public projects, H. P. 598, L. D. 174.

The SPEAKER: Has the gentleman given notice to the Clerk to hold the papers? Are the papers

in the possession of the House Mr. Clerk?

The Clerk says they are not, and the motion is out of order.

Mr. SLEEPER: Could I ask that the papers be recalled?

The SPEAKER: Yes, by proper order. The Chair will state at this time when a member desires to make a motion to reconsider a vote, he should notify the Clerk in order that the Clerk may retain the papers in his possession until the next day.

We have sent for the papers in this case, and they will soon be back from the Senate.

Mr. SLEEPER: Mr. Speaker, may I say what few words I have to say now in order to save time?

The SPEAKER: Yes.

Mr. SLEEPER: I wish to apologize to the House because by my ignorance of parliamentary procedure in an effort to be courteous to another body, I realize that I have been very discourteous to this body. For that reason I would like to reconsider so that we may insist and ask for a committee of conference on this bill. The reason for this is that we have additional matter to be brought to bear, and we hope, that, after a conference, the matter may be ironed out and the bill eventually have passage. I was led to believe that the primary objection to the bill was that preference was already being given. While that is true to a certain extent, it has not been true the past year; but in addition to that I have not mentioned the strongest thing brought to bear on the bill which was that it would violate the Federal rules and regulations and would greatly hinder any Federal aid that this State might expect. Naturally, this was a serious question and I took it up with the proper authority, the highest administrator of Federal funds in the State, and he said "Is it not true that Massachusetts had a similar law?" I said that it was, and he said it might be significant that Massachusetts public projects are running ahead of Maine projects at the present time to the tune of a pro rata basis of twenty-eight per cent. Therefore, I think we are justified in asking for a reconsideration of this bill and insisting on our previous stand and ask for a committee of conference.

The **SPEAKER**: The gentleman from Rockland, Mr. Sleeper, now moves that the House reconsider its action of yesterday whereby it voted to recede and concur with the Senate in the acceptance of the ought not to pass report of this bill.

The motion prevailed, and on fur-

ther motion by the same gentleman, the House voted to insist and ask for a committee of conference.

On motion by Mr. Hill of South Portland,

Adjourned until nine o'clock tomorrow morning.