

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 2, 1935.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the Committee on Library.

Comes from the Senate, read and accepted.

In the House read and accepted in concurrence.

**Senate Bills in First Reading**

S. P. 701, L. D. 887: Resolve relating to fishing in B Pond.

S. P. 707, L. D. 887: An act relating to the taking of clams in the town of Roque Bluffs.

S. P. 175, L. D. 873: An act repealing the aeronautical fund.

S. P. 154, L. D. 86: An act related to the payment of wages.

**Reports of Committees**

Majority report of the Committee on Taxation reporting ought not to pass on bill an act relating to taxation (H. P. No. 1361) (L. D. No. 471)

Report was signed by the following members:

Messrs:

Blanchard of Franklin  
Burkett of Knox  
Pillsbury of Kennebec  
—of the Senate.

Haskell of Windham  
Mason of Mechanic Falls  
Allan of Topsham  
—of the House.

Minority report of same Committee on same bill reporting same in a new draft (H. P. No. 1842) under title of an act to equalize taxation and that it ought to pass.

Report was signed by the following members:

Messrs:

Deering of Hollis  
Shaw of Milbridge  
Crowell of Weston  
Martin of Dexter  
—of the House.

On motion my Mr. Crowell of Weston both reports tabled, pend-

ing acceptance of either, the new draft ordered printed, and specially assigned for Thursday, April 4th.

Mr. Burnham from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An act relating to the Presque Isle Sewer District (H. P. No. 847) (L. D. No. 292)

Mrs. Forbes from the Committee on Maine Publicity reported same on resolve making appropriation for the Advertising of Maine Farm Products and to Increase the Demand for and the Consumption of the same (H. P. No. 603) (L. D. No. 176)

Mr. Cook from the Committee on Pensions reported same on resolve in favor of Martha J. Emerson of Chelsea (H. P. No. 1037)

Same gentleman from same Committee reported same on resolve providing for a State pension for Emma E. Leighr of Searsmont (H. P. No. 1040)

Same gentleman from same Committee reported same on resolve providing for a State pension for Addie Cross of Knox (H. P. No. 1039)

Same gentleman from same Committee reported same on resolve providing for a State pension for Percy Brown of Belfast (H. P. No. 1034)

Same gentleman from same Committee reported same on resolve providing for an increase in State pension for Valdimir B. Jones of Waldo (H. P. No. 1023)

Same gentleman from same Committee reported same on resolve providing for a State pension for Ella E. Rowe of Liberty (H. P. No. 1021)

Same gentleman from same Committee reported same on resolve providing for a State pension for Fred A. Jones of Washington (H. P. No. 989)

Same gentleman from same Committee reported same on resolve providing for a State pension for Carrie E. Mears of Washington (H. P. No. 985)

Same gentleman from same Committee reported same on resolve providing for a State pension for Charles S. Adams of Liberty (H. P. No. 819)

Same gentleman from same Committee reported same on resolve providing for a State pension for Hannah L. Banks of Searsmont (H. P. No. 817)

Same gentleman from same Com-

mittee reported same on resolve providing for a State pension for George F. Shaw of Kennebunk (H. P. No. 815)

Mr. Allan from the Committee on Taxation reported same on bill an act to provide a bonus for the encouragement of agriculture and industry (H. P. No. 1) (L. D. No. 3)

Same gentleman from same Committee reported same on bill an act relating to licenses for retail stores (H. P. No. 609) (L. D. No. 180)

(Tabled by Mr. Lebel of Brunswick, pending acceptance of the report, and specially assigned for Friday, April 5th)

Mr. Crowell from same Committee reported same on bill an act relating to the tax on the privilege of selling at retail (H. P. No. 1356) (L. D. No. 473)

Mr. Deering from same Committee reported same on bill an act creating the sales tax and income tax fund (H. P. No. 1360) (L. D. No. 590)

Mr. Haskell from same Committee reported same on bill an act relating to the taxation of intangible personal property (H. P. No. 1357) (L. D. No. 469)

Mr. Martin from same Committee reported same on bill an act imposing an income tax (H. P. 1359) (L. D. 472)

Reports read and accepted and sent up for concurrence.

Mr. Mason from the Committee on Taxation reported ought not to pass on bill an act to provide revenue by means of a graduated stamp tax (H. P. No. 15) (L. D. No. 2)

Mr. DENNETT of Sebago: Mr. Speaker and members of the House—

The SPEAKER: Does the gentleman wish to make a motion? He may speak after he makes his motion.

Mr. DENNETT: Is a motion necessary Mr. Speaker? I move that this bill be referred to the next session of this Legislature.

The SPEAKER: If the gentleman wishes to address the House on that motion, it is his privilege.

Mr. DENNETT: Mr. Speaker and members of the House: I am aware that there is a prejudice existing against any measure presented before this body which contains one little word. That little word has made the farmer get up at dawn of day and go to bed after dark; that little word has put mortgages on all kinds of property; that little

word has placed the "to let" sign on many buildings, and the "for sale" sign on many more. That little word has made the merchant return to his home with anxiety and depression upon his face; that little word has made the manufacturer close the doors of his factory, and that one little word is TAX. So it was with much hesitation and trepidation, even after the study of the problem for several months, that I brought forth a tax bill. But I know and you know that we never have had an equitable tax; that quite a number of our well-to-do citizens pay little or no tax, and some method should be devised to provide revenue in an equitable manner; to make everyone know that he is paying a tax; to make people tax conscious; for, as William Pitt, the great Commoner, has said: "You can tax a people into penury if you do it indirectly." And we cannot be too often reminded that we are paying taxes. This would be educational and we would not be quite as ready to impose taxes.

I want to say now, most emphatically, that I am in favor and determined to do all within my power to restore to the Board of Education the \$1,200,000 that has been taken from them. The only difference between us and the savage is education. Could an uneducated person have drawn plans for this beautiful building in which we are assembled? Could uneducated hands have erected it? I have been accorded the greatest courtesy, aid and consideration from the Board of Education, and there is no Department in this State House where there is more diligence, more intelligence, more honest work accomplished, than in the Board of Education.

A few generations ago, where we now sit surrounded by all that exalts and embellishes a civilized life, the deer and the moose roamed and the wild fox dug his hole unscared; on the nearby stream the painted warrior paddled his light canoe. All the wealth of forest, land, river and lake were his, but for want of education the red man remained a savage.

Now with all my heart, and with all the energy at my command, I plead with you to educate our people so that we can honestly say that the State of Maine leads all the states of the Union in education. Education is wealth. The greatest

regret of my life is that I have not been better educated.

Now this stamp act, I believe, would be very civil, easy to apply, inexpensive to collect, and as equitable as any tax can be. I have told you how to apply it to articles of one cent or one hundred dollars, or more, in book form or by single stamps to be placed on articles of large price on the bill of sale.

The redraft of the bill I presented, in so far as I can judge, is quite a complicated affair compared with the simple one I introduced. It demands very careful study and consideration for some length of time before anyone can vote intelligently upon it. Even the committee on Taxation, after their careful and intelligent consideration, have handed us a divided report and for the members of that committee I have the greatest admiration and respect. How can we, with the short time at our disposal, vote intelligently upon this bill? Why, this method of taxation is revolutionary as far as our tax methods are concerned; and as much as I want to help education, and as much as I want to tax those who pay no tax, and for other reasons which I will not take the time to enumerate, I am sure I cannot vote intelligently on so important a matter as the redraft of this bill as here presented. In a few months we will be here assembled in another session. In the interval we can make a study of this most important measure.

So, Mr. Speaker, and members of the House, I believe the wisest course to pursue is to defer action, and so I present the following motion: I move that this bill of taxation be referred to the next session of this Legislature.

The SPEAKER: The gentleman from Sebago, Mr. Dennett, moves that bill, an act to provide revenue by means of a graduated stamp tax, on which the committee has reported ought not to pass, be referred to the next session of this Legislature. Is the House ready for the question?

Mr. MASON of Mechanic Falls: Mr. Speaker, it seems to me inadvisable to refer this bill to any future session of the Legislature at which a sales tax is to be taken up. The sales tax is being adopted by other states. They are adopting different methods of collection and it would seem to me entirely unnecessary to carry forward this idea to any future Legislature where the

method of collection would undoubtedly be chosen at that particular time from the experience that may be gained from other states. I hope that this motion does not prevail.

Mr. MACE of Augusta: Mr. Speaker, I rise simply to second the motion of my friend from Sebago, Mr. Dennett.

The SPEAKER: The question before the House is on the motion of the gentleman from Sebago, Mr. Dennett, that H. P. 15, L. D. 2, an act to provide revenue by means of a graduated stamp tax be referred to the next special or regular session of the Legislature. Is the House ready for the question? All those in favor will say aye, contrary-minded no.

A viva voce vote being doubted, A division of the House was had, Forty-six voting in the affirmative and 50 in the negative, the motion to refer failed of passage.

Thereupon, a viva voce being taken the ought not to pass report of the committee was accepted.

#### Reports of Committees—Continued

Mr. Mason from the Committee on Taxation on remonstrances against any sales tax legislation, H. P. 1705, 1706, 1707, 1742 and S. P. 645, reporting that same be placed on file.

Report read and accepted and sent up for concurrence.

Mr. Burnham from the Committee on Legal Affairs on bill an act creating the Board of Fire Commissioners of Rumford Falls (H. P. 1069) (L. D. 405) reported same in a new draft (H. P. 1843) under title of an act creating a Public Safety Commission for the town of Rumford Falls and that it ought to pass.

Mr. Chase of Baring from same Committee on bill an act to incorporate the Town of Brunswick School District (H. P. 1145) (L. D. 333) reported same in a new draft (H. P. 1844) under title of an act to incorporate the Brunswick School District and that it ought to pass.

Mr. Wentworth from the Committee on Maine Publicity on bill an act for placing the word 'Vacationland' on all number plates on motor vehicles (H. P. 106) (L. D. 675) reported same in a new draft (H. P. 1845) under title of an act relating to registration number plates and that it ought to pass.

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

Mr. Graves from the Committee on Ways and Bridges reported ought to pass on resolve in favor of Caswell Plantation (H. P. 94)

Report read and accepted and the resolve ordered printed under the Joint Rules.

### First Reading of Printed Bills and Resolves

An act to change the charter of the city of Calais (H. P. 1840) (L. D. 898)

Resolve in favor of several academies, institutes and seminaries (H. P. 1841) (L. D. 899)

### Passed to be Engrossed

(S. P. 218) (L. D. 862) An act amending Section 2 of Chapter 16 of the Private and Special Laws of 1903, relating to Bangor and Aroostook Railroad.

(S. P. 295) (L. D. 860) An act to validate certain loans negotiated by the city of Hallowell.

(S. P. 706) (L. D. 886) An act relating to notary publics outside the state.

(S. P. 697) (L. D. 859) An act to repeal an act entitled 'An Act to incorporate the town of Mason.'

(S. P. 698) (L. D. 865) An act relative to regulation of the use of the highways by motor vehicles transporting property for hire.

(H. P. 861) (L. D. 299) An act to change the name of the Nasson Institute to that of Nasson College and to otherwise alter the charter of said corporation.

(H. P. 1832) (L. D. 894) An act relating to the conveyance of property for support.

(H. P. No. 1833) (L. D. No. 890) An act relating to cities and towns refunding indebtedness

(H. P. No. 1835) (L. D. No. 891) An act relating to Indians

(H. P. No. 1836) (L. D. No. 895) An act to grant a new charter to the city of Eastport

(H. P. No. 1837) (L. D. No. 892) An act relative to mines and minerals

(H. P. No. 1838) (L. D. No. 893) An act relating to the sale of prophylactic rubber goods for prevention of venereal diseases

### Passed to be Enacted

(S. P. No. 162) (L. D. No. 93) An act relating to optometry

(S. P. No. 653) (L. D. No. 826) An act to provide for the union of towns for the employment of social welfare workers

(S. P. No. 659) (L. D. No. 837) An act relating to State aid to academies

(S. P. No. 660) (L. D. No. 835) An act relating to registration of nurses

(H. P. No. 16) (L. D. No. 4) An act exempting pedestrians from paying toll on Waldo-Hancock Bridge

(S. P. No. 637) (L. D. No. 793) An act creating the Portland Public Development Commission

(H. P. No. 846) (L. D. No. 291) An act to incorporate the Presque Isle Water District

(H. P. No. 849) (L. D. No. 293) An act relating to the charter of the City of South Portland

(Tabled by Mr. Hill of South Portland, pending passage to be enacted and specially assigned for Thursday, April 4)

(H. P. No. 1243) (L. D. No. 556) An act relating to insurance of motor vehicles carrying passengers for hire

(H. P. No. 1259) (L. D. No. 490) An act relative to powers and duties of Inland Fish and Game wardens

(H. P. No. 1458) (L. D. No. 759) An act to provide for the appointment of a Board of Commissioners of Police for the town of Sanford

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

(H. P. No. 1776) (L. D. No. 811) An act relative to qualifications of applicants for admission to the Bar

Mr. SLEEPER of Rockland: Mr. Speaker, the session is getting late and time is getting valuable; and due to the fact that the legal profession are rapidly taking a leading part in all branches of government and business,—there is even now a bill pending before this Legislature to do away with private collection agencies, and asking each agency to pay a fee of one hundred dollars and give bonds to the amount of five thousand dollars to collect bills. Nothing is said about an attorney paying a fee of one hundred dollars. If the lawyers are going to take the leading part in

every branch of human endeavor, certainly that important branch must be open to everybody. I have talked with as many people as possible the last two weeks and I find no sentiment for this additional hurdle for the boys to take in order to become a lawyer. Now as I have said, our time is valuable and the time is not ripe for this bill. It is class legislation of the worst kind; so without any further argument I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, now moves that H. P. 1776, L. D. 811, an act relative to qualifications of applicants for admission to the Bar be indefinitely postponed.

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

Mr. CARSWELL: Mr. Speaker, I am certain that every member of this House realizes that this bill provides for a step forward. There are over twenty states in the Union which have already adopted a bill similar to this. There are but a very few states in the Union which do not require educational requirements for admission to the Bar. This matter has been thoroughly discussed as the gentleman has said. I am certain that everybody is familiar with its contents and I know you all realize the importance of it. It seems to me it would be improper to prolong the discussion at this time. I hope that the motion of the gentleman from Rockland, (Mr. Sleeper) does not prevail.

The SPEAKER: Are you ready for the question? The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that H. P. 1776, L. D. 811, an act relative to qualifications of applicants for admission to the Bar be indefinitely postponed. All those in favor of the motion will say aye, contrary-minded no.

A viva voce vote being doubted,

A division of the House was had, Sixty voting in the affirmative and 48 in the negative, the motion to indefinitely postpone prevailed. (Applause)

#### Passed to be Enacted—Continued

(H. P. No. 1777) (L. D. No. 814)  
An act relating to the use of reflectors on commercial vehicles

(H. P. No. 1778) (L. D. No. 815)  
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. 1804) (L. D. No. 845)  
An act relating to the construction of State aid highways

(H. P. No. 1810) (L. D. No. 851)  
An act relating to town and county officers enforcing laws along the highways

(H. P. No. 1814) (L. D. No. 856)  
An act relating to the challenging of voters in towns

#### Finally Passed

(S. P. No. 409) (L. D. No. 526)  
Resolve in favor of the Maine Guides' Association

(H. P. No. 1753) (L. D. No. 785)  
Resolve in favor of Clayton French of Carmel

(Tabled by Mr. Tupper of Calais, pending final passage, and specially assigned for Friday, April 5)

(H. P. No. 1807) (L. D. No. 849)  
Resolve providing pensions for certain soldiers and dependents of soldiers

(Tabled by Mr. Tupper of Calais, pending final passage and specially assigned for Friday, April 5)

#### Passed to Be Enacted

(H. P. No. 1256) (L. D. No. 500)  
An act relating to horse racing for trotters and pacers and creating a State Racing Commission.

Mr. BURNHAM of Kittery: Mr. Speaker and members of the House: I feel that before this bill is passed to be enacted, we should give it a bit more consideration. I spoke on a lottery bill recently. It seems to me this bill is practically the same as the lottery bill. It is a gambling bill, and, from some experience had in other places, it has been found to be uneconomic. It is a bill that withdraws from the legitimate business in the communities in which it operates.

In New Hampshire, they have a racing track at Salem. As I said before, in other towns around Salem they have found that business has stagnated during the season when this track is open.

At the hearing on the matter, it was stressed that it would be for the benefit of our fairs. It seems to me, in reading the statute in regard to State aid to fairs, that the idea is to promote agriculture, the agricultural end of the fairs. It seems to me that this bill promotes the gambling end of the proposition. If this pari-mutuel proposition is

operated, it is going to detract from that which the fairs are conducted for—to promote the interests of agriculture.

In our statute there is now a provision specifically prohibiting the granting of any State aid to any fair that allows gambling on the premises. This is quite a departure from the existing law.

Now I feel in this matter there are many of our members here whose constituents are opposed to it, in fact, a large number of our citizens like some way of expressing their attitude in the matter. I feel, at least, there should be a referendum on the measure; a measure of State-wide interest such as this is should be passed upon at least by the people before we impose it upon those who are opposed to the measure on general principles.

In order that those members who wish their attitude against this bill may be put on record, I move that when the vote is taken, it be taken by the yeas and nays.

Mr. WILLEY of Falmouth: Mr. Speaker, I am not quite in accord with the gentleman from Kittery, Mr. Burnham, but the time is short, and I will take very little of the time of this House, it having previously, in no uncertain manner, expressed its opinion upon this measure.

This measure can, in no degree, be compared with the lottery. This measure was conceived in Waterville, January 2, 1933, by the Fair Association and Agricultural Societies of Maine, because they could not get money enough to continue the operation of their Fair Association.

When this measure came into the Senate Chamber, to be heard before the Legal Affairs committee, the gentleman from Kittery, Mr. Burnham, would have to tell you that some of our very finest citizens appeared there. The Senate Chamber was filled with proponents, and the balcony was filled with proponents of this measure.

Now this bill is designed purely and simply for the relief of our State and County Fair Associations, in order that they can continue to operate and stimulate the raising of live stock and domestic and agricultural products.

From the first day of August to the 20th day of October, the only ones who can get a license to operate are the agricultural fairs; it is for the fairs exclusively—and every

one in Maine knows you cannot race horses before July 1st in the State of Maine, on account of the turf conditions.

There is not one vicious thing about this bill. It was estimated at the hearing that the revenue to the fairs would amount to perhaps around \$450 a day.

I certainly hope, members, that this measure has a passage, and that we can lend a hand here in this House to one of our finest and oldest institutions, our State and County Fairs. We all know that they have done more to encourage racing and the breeding of fine live stock than any other thing that has happened in Maine. I certainly hope the bill receives passage to be enacted.

Mr. CROWELL of Weston: Mr. Speaker and members of the House: I have read with a good deal of interest this Legislative Document 500, and there are things about it that appeal to me very strongly. I like the way the bill is written, and the attitude of the author expressed. They do not pretend in this bill that they are putting shoes on the feet of any boys and girls in Maine; they do not pretend that they are turning their revenue over to run any hospitals or do any work of that kind. The purpose of this bill is very apparent, and I want to congratulate the author and the promoter of it in the honesty that has been displayed in the presenting of it. They have one specific purpose in mind, and from the very first they start out to accomplish that purpose without camouflaging it behind any other motive. They are not interested in the State of Maine's financial problems, because they are saying very frankly: "We are giving to the State of Maine three and a half per cent of the money that we take in." But before they do that, they are coming to us as citizens of Maine and asking us to guarantee them a racing commission to handle this proposition. They want us to establish offices and provide clerical help for this association or commission; and, if we are to judge anything by what has taken place in the past, they are asking us, the people of Maine, to go to an expense of approximately twelve or fifteen thousand dollars to guarantee them this commission, office supplies, stationery and other expenses. They are not interested in



the State of Maine's financial problem.

Listen! For argument's sake, and in order that we may be perfectly fair in our conclusion, let us set as the minimum expense of this commission \$10,000. That includes salaries, office, clerical work—and you who know anything about commissions, as every member of this House does—know that is setting it low. It means that if this pari-mutuel bill is passed, even putting its expense at a minimum of \$10,000, they must sell pari-mutuel tickets to the extent of \$285,000. Two hundred and eighty-five thousand dollars of the people's money they must take in this manner before they, in any degree, give anything to the State of Maine beyond what they need to carry on the expenses of this commission. Supposing we have a rainy fall, the same as we did two years ago, and people cannot get around to the fairs because of the mud, you and I, from our hard-earned tax money must make up the deficit that the associations are asking us to assume.

Mr. Speaker and members of the House, they are not interested primarily in the fair associations, because they are only contributing to the fair associations six and a half per cent of the money they are receiving, and they admit, in private conversation, if not in public, that all they hope this six and a half per cent will do is to lug the necessary overhead that the fair associations will assume in supplying bookkeeping, office equipment and all those things. They do not admit that this six and a half per cent will help the fair association, because it will cost the fair association all of six and a half per cent to carry on the work this bill is forcing on it. No, this is simply a gambling bill, and nothing more, and I honor the promoters of the bill for so declaring it, even if not in writing.

They say that three and a half per cent goes to the State, and they will give six and a half per cent to the fair association, and they admit it will cost the fair association six and a half per cent to take care of its part of it. They want to make it a gambling bill and contribute ninety per cent out of that money to put up premiums and encourage gambling. They are contending the reason they are

going to help the fair associations is not the six and a half per cent they are contributing, but the increased patronage that will attend the fairs in the State of Maine.

We are interested in our fair associations, we are interested in advancing the raising of horses and cattle and agricultural products, but if I know the people of rural Maine, and the people of our urban centers, they will not want to take their boys and girls and young people to the fairs, where a bunch of gamblers, filled with alcohol, promenade up and down the midway and monopolize the situation.

Mr. Speaker, in my opinion, we do not want this gambling feature enacted in Maine, and placed upon our statute books, because we are proud of our heritage that has been bequeathed to us by the past; and, as we march into the future, let us keep our garments clean and build permanently for the onward progress of our State.

Mr. BUBAR of Blaine: Mr. Speaker, we have considered all along that this was simply a joker bill. We did not believe that anyone was serious in presenting the bill. They held it up in the committee a long time, and we were convinced, until a few days ago, that it was presented in the first place to the committee, simply as a laugh for weary, tired committeemen.

You remember a few weeks ago, or rather at the beginning of this session, a bill was presented here which was called a joker bill, simply to make people laugh. It read something like this: "Rogues, Vagabonds, Saxophone Players and Tom Cats," if I remember rightly, and it did cause everyone to laugh. Of course the bill was accepted as a joker bill, and was passed out.

Now we thought this bill was of the same kind, and the people back home have also laughed about this bill around their firesides, thinking it only a joke, and that no one in this Legislature would think that the State of Maine, the grand old Puritanical State of Maine, whose Constitution was written by men upon their knees, would ever even consider for a moment legalizing gambling.

But you know last Wednesday something happened, and it made some of us think that there are a few people who were serious about the matter. It reminds me of one

time when I was a boy at home on the farm, and we discovered that our grain was being stolen and chickens were disappearing from the roost, and we were of the opinion that there was a thief in the community, and my father said that we must find the thief. One night, along about twelve o'clock, he heard a noise in the barn, and he awakened me. He got the old gun. We had an old ramrod, muzzle-loading shotgun, and it was a good one; it kicked one way and shot the other, at the same time, and so we started for the barn. The door was just ajar, and we crept inside, and I am telling you, members, there was a robber there, but he discovered us first, and he threw a tear bomb, and immediately the barn was filled with fumes, and my father began to strangle, and I began to choke, and I heard him yell: "Run, boy, run; it's a skunk." Well, we got out of the barn. Finally, the gases disappeared, and we got that old gun and got our second wind, and we went back, and believe me, we got the skunk.

Now I do not mean to insinuate for one moment anything against any man in this Legislature because you are all of sweet aroma to me, and the memory of these days will go with me as a pleasant memory down through the years to come. I am referring, members, simply to the nature and the character of the bill. We believe it is not only a joker bill brought in here to make people laugh, to give the people of the State of Maine a chance to laugh, but we believe that it is a gambling bill, and we believe it is an immoral bill, and that it will destroy the industries of the State of Maine.

Now Rhode Island has this bill upon their statute books. I want to read to you from the Readers Digest of this month. I want this to go into the record, that the people back home may know that this Legislature has been properly informed as to the nature of this bill, and what it will do to the folks back home. It says: "Certainly \$12,000,000 changed hands in betting, but do you suppose we merchants got any of the winnings in increased business?" I am telling you that this bill destroys industry. "I'm afraid not. The entire season was just one big slump for us, and we can trace it directly to the

opening of the new track. One big store in town showed a thirty-five per cent drop in sales that month, and the smaller fellows were hit proportionately. Take Saturdays during the meet. Ordinarily that's our best selling day. But not last August—why, stores were practically deserted. Everybody was out at the track betting and losing money that they might have spent for clothing and supplies. The whole state went horse-crazy, betting their heads off on a game most of them knew nothing about, and a good many of them couldn't afford it. They suffered, their families suffered, and so did we merchants.

"A used car dealer in Pawtucket took up the cry: 'The track has crucified business. I've lost \$2,000 a week in sales since the track opened. One week during the racing season was the first in my experience that I didn't sell a single car.' Grocers, haberdashers, landlords, theater owners and other business men echoed this wail. Some of them said they might just as well have closed up shop while the racing season was on — they would have saved that much in overhead. All agreed that many Rhode Islanders were being demoralized and impoverished by an imported disease called 'playing the horses.'

"Not only were business men losing money because everybody was not buying but betting; some of their own ranks joined the bettors \* \* \* Once the pari-mutuel bug has tapped the veins, prepare for a long seige."

And then it goes on to tell how a small business was destroyed: "One man who had a small insurance policy was not even 'facing an emergency.' When he learned he could borrow fifty dollars on his policy, he drew it out. One trip to the track ended the chapter.

"Although bank officials shy away from statistics on withdrawals from savings and other accounts, it is estimated that close to a million dollars were deducted from depositors' pass-books during the first racing season."

Members, it is destructive to the industries of Maine, because there is not any man who will labor on the farm or in the ditch for one dollar or two dollars a day, when he believes that he can go to the race track and earn fifty or a hun-

dred dollars, because he wants to get rich quick.

"Millions of dollars changed hands within the State. And what did Rhode Island get out of it? A headache. Possibly after this first hysteria has passed, those Rhode Islanders who have been burned in the betting blaze will learn that reaching one's hand back into the fire is a poor way to heal burned fingers. Possibly they will heed the advice of President Roosevelt, who recently said: "The average person always loses. Only a very small minority of the people of this country believe in gambling as a substitute for the old philosophy of Benjamin Franklin that the way to wealth is through work."

Furthermore, this is what the House Leader of the Connecticut Legislature said last week: "We all realized it was a gambling bill. No one was disillusioned."

And when the Governor vetoed that bill last week, this is what he said:

"From no point of view would the bill, if enacted into law, be conducive, in my opinion, to the moral or economic welfare of the people." And the Governor declared in his veto that it was an immoral bill, and that it was not conducive to the industries and the economic welfare of his state, and therefore he said that the bill was not to be put over on the people of the State of Connecticut.

And I am asking you today, in the name of God, and in the name of the fathers and mothers, and in the name of the people who sent us here, to kill this joker bill and kill it now.

Now you say we need an old age pension, and that this would provide money for old age pensions. That is a joke also. That has been the hue and cry all up and down these corridors, that the money derived from betting was to go to pay for old age pensions.

If the proponents of this bill are honest and sincere, and they want an old age pension, they will go where the money is, and they will get the money there. They will go out and tax intangibles, and get all the money they need to provide for old age pensions in the State of Maine. Now then brothers, were it not for the poor administrative laws of the past, we would not have so many needy old people in the State

of Maine. Oh, no! In the State of Maine there is seven hundred million dollars worth of tangible property. There is also seven hundred million dollars worth of intangible property. But the tangible property, such as farms, homes, shops, mills, etc., pays ninety-seven per cent of the taxes. Now then, the intangibles, such as stocks and bonds and mortgages, etc., pays but three per cent of the taxes.

Now just let me show you what the Constitution of the State of Maine says about this. I am quoting from Article IX, Section 8, of the Constitution of Maine:

"All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof."

Members, you all know, and I know that there is not any justice in this system of taxation, when tangible property, the homes of the millions, and the factories, will pay ninety-seven per cent of all the taxes, and when the intangibles, which equal the tangible property in amount, pay only three per cent. I say, according to the Constitution of Maine, our tax system is not just, and if the proponents of this bill want to give the old mothers a pension, then let them go out and pass a bill here, and let us go out and gather the money where it is, from the holders of intangible property in the State of Maine. And when they do that thing, then we will believe they are sincere in desiring pensions for the mothers of the State, then we will consider that this is not a joker bill, but that they mean business, and they want our old mothers to have a pension. The poor men, the laboring man, no matter how hard he may toil, or how many hours he may work, you know and I know that he has not anything to show for it. He can never hope to live in anything but a rented shack, while the intangible property owner will live in his palatial mansion on the hill. And the poor man, at night, when he comes home from his job, will carry a few articles of food in a paper bag to his hungry children, but the larder of the holder of intangible property is filled to the top, and his children never cry for bread. Oh, the injustice of the thing! Let them remedy that injustice if they are not joking about this thing.

The poor old farmer—and I am a farmer—I was brought up on a farm, and I know farm life, and no matter how many acres he may plant, no matter how many cows he may milk, he must always grind under a mortgage, and it grates and grinds into the heart of the home. He can never get away from it. The tax collector is always knocking at the back door, and the collector of interest is always pounding at the front door. His children cannot enjoy the advantages that the children of the people who own intangible property enjoy, but they must go ragged to school, and many of them have stopped their schooling in the primary grades in order to go out and grind and toil to earn bread to feed a worn-out, discouraged father, while the children of the intangible property owners ride around in limousines and go to the institutions of higher education.

I beg of you to look this thing in the face. These men who are trying to put over this joker bill on the citizens of Maine, if they mean business, let them stop playing at mud pies with broken dishes, like children of the springtime, and let them go out and get something with which to feed our old men and women, and do it in an economic, just and reasonable way. Let them stop carrying around little popguns and toy pistols, and let them man the legislative guns we have at our command, and let them go out and do something to take care of the poor people, and let us put this thing over in a reasonable way. Listen! I am deeply moved about this thing, because I see the joke that these fellows are trying to put over on the fathers and mothers and the middle classes and poor classes of the State of Maine. Brothers, it must not go forth; it must stop right here.

Now I like this man from Fal-mouth, (Mr. Willey) the proponent of this bill. I like him, and I want you to know that I like him. All of the members have been kind to me, and I have enjoyed all of my associations here, but I especially delight in this man. I like him because of his grand and glorious old mother. She was a friend of mine. She was a grand, a glorious woman. I enjoyed the hospitality of her home. I knelt with her family to pray. I heard her call this boy's name in prayer. She was a cultured, a refined woman; she loved her boy.

But, brothers, I am convinced that if she could come back from the Gates of God today, she would say: "I despise this bill." And God and the Angels, and the good men and women throughout this State despise it, and I despise it too, and I ask you to defeat this bill.

We were sent here not by the gamblers outside the State of Maine who are trying to put this bill through, but we were sent here by the God-fearing fathers and mothers in the State of Maine, and they expect us to stand for their interests, and not for the interests of the gambling crowd outside the State of Maine who expect to come in here and gather up the money that is left within our State and carry it to other states.

Mr. A. W. Danforth of Bangor, in a telephone conversation with me yesterday—and he is the teacher of the second largest men's Bible class in Maine—said that he wanted to go on record as decidedly and always opposed to this bill. He says the churches of Bangor are all opposed to it.

In conversation with Henry F. Merrill of Portland, just a few hours ago—he is the teacher of the Thirteen Class, a Bible class—said that last Sunday he had 2089 men in his Bible Class, and he said: "I want to go on record as being opposed to this bill." And I might read to you, which I will not, letters and petitions from the fathers and the mothers of the State of Maine. Some of them have said: "This must be a joker bill. You fellows down there are not serious about the matter." Let us consider it well.

Now, then, members, we are going home some day, and I cannot go home too soon, for I want to be with my wife and children; I have six of them, and God knows I love them; but I do not want to go back and look into their faces and say: "Children, I have helped to institute and incorporate into the laws of the State of Maine that which will tear down the foundations that the Godly men and women of the past have built up, which have made the State of Maine one of the greatest States in all the Union, and made her worthy of the motto 'I Lead.'"

Members, let us lead on to victory. And I want to inform you men and women here that there is a judgment day coming, and I do not mean that day when the

white-winged angel will stand with one foot upon the sea and the other foot upon the dry land, with hand raised to Heaven and say that time may be no more. I do not mean that day, but that is coming. And I do not mean that day when the graves on the hillside will be opened, and the dead will come forth to judgment. No, that is coming, but I do not mean that day. I mean that day when we go home and we stand before the final court of appeal, the people, and when they come to the ballot box and pass judgment upon us; and if we have voted for this bill, I am of the candid opinion that the graves will be opened, the political graves, and we will crawl away, after we have been judged, into political oblivion forever, and we will not come back to this place any more.

I plead with you and I beg of you to vote against this measure.

Mr. AYER of Union. Mr. Speaker, I wish to protest against those who wish to gamble on horses using our agricultural fairs as a smoke screen. It is asserted by the proponents of this bill that our fairs need this bill to keep them from becoming failures. Now this statement is only a smoke screen to cover up the facts of the case.

During the last hearing in the Senate Chamber, after the hearing one of the advocates and chief proponents of this bill, in conversation with me, admitted that this pari-mutuel proposition could not be put over in the small country fairs of our State, and he questioned whether it would be a paying proposition in the larger fairs. We have no large cities to draw from.

Now it is also asserted by the proponents of this bill that we need it to promote horse breeding. I do not know what other people's experience has been, but I know in our little fair down in Union, and in all the fairs I know anything about, we are overrun with trotting horses every fall; we do not know what to do with them. We keep building stables, and then we have to board the horses outside.

It has been asserted also that it was difficult to run a fair without this pari-mutuel. I deny the statement. I know from my own observation and experience that a fair that is located in the right section of the State where they have a good radius to draw from, amongst producers of stock, pro-

ducers of fruit, that you can hold a good, substantial fair that will pay you. I have had my own experience in helping conduct a fair, to prove this assertion. I was associated with the North Knox Fair, or in other words, the Union Fair, for something like eight years, and when I was elected trustee and vice president of the fair, the man who was elected president was a man who was interested in horse racing, and in running a clean fair. And he said to me: "How can we run the fair in a clean manner?" We sent a man to Augusta to communicate with Mr. Washburn, relative to what was permissible and what was not permissible, and this man came back and said that anything that was science was permissible, but that anything that was purely chance was not permissible. We proceeded to run that fair on that same theory. No game of chance was permitted in the midway; nothing of an immoral nature was permitted to show there, and we gave authority to our men to show the gate to anyone who got in there and attempted to do anything of the kind, and Mr. Perry, our president—and he is the gentleman I refer to—was just as anxious that horse racing should be conducted cleanly.

In the eight years I was connected with this fair as trustee and vice president we put into the fair over seven thousand dollars in improvements, and when I left the fair I left four thousand dollars in the treasury. In other words, in approximately eight years we produced eleven thousand dollars in profits on that fair in a legitimate way.

Now this was not done, ladies and gentleman, by the fair officials. It was done by the cheerful co-operation of every housewife, every farmer, and in fact every body within the radius of that fair.

If you want to do something to break up that booster spirit in the rural sections, you just enact this pari-mutuel affair and you will break up the unity of those rural communities.

Now I want to say right here that if you think these fairs are in a hard condition at this time, just come over to Union this fall, and you will see we are going strong without any pari-mutuel horse racing. And I believe any fair conducted honestly and legitimately

can get along and show a profit on their receipts.

I certainly feel that this proposition of the pari-mutuel is the most degrading thing the country people have ever had put up to them, and I certainly know that our people will object very strenuously, and, as I said before, it will break up that unity that exists with the rural people if you pass this pari-mutuel bill.

Mr. PROCTOR of Naples: Mr. Speaker, I hesitate very much to speak to this audience, but I do not want the impression to go out through this audience that the people who are promoting this bill are skunks or indecent people to associate with.

At Waterville, on the 22nd day of last January, there were two hundred and twenty-five people there, a representative body of people, of large taxpayers, of people contributing to churches, to schools, people who have children, boys and girls who belong in the high schools, colleges and common schools of our State. Those people are not going to ask you to pass a law in this Legislature that is indecent, unfair, and unreasonable.

Members, take it to yourselves and consider for a moment: Are those people asking you to do something that you shouldn't do? They are a representative body of people, people who stand for something that is good for the agricultural fairs. When anyone tells you that this bill is not for the interests of the agricultural fairs, they simply do not know what they are talking about, because at that meeting that night of those two hundred and twenty-five people, representatives from all the agricultural fairs throughout the entire State, not one man in that audience said a word against it, not one man.

We talked over the advisability of this act in regard to this pari-mutuel-bill for all the people of the State of Maine. Now do those people who run fairs know what they are talking about, or does somebody know something about it who never goes to a fair? I think we have a right to understand.

A hundred and twenty-five years ago our first fair was started at Pittsfield, Massachusetts, the first fair in the United States. Since that time the fairs have been going on. You have had less trouble and heard of less trouble about the

fairs than any other organization of its size in the United States. They have been run on the soundest, fairest basis, and the nicest people in the United States belong to those fair associations. The nicest people in society, the best of our people go to our fairs. Some of you people who do not go do not realize the class of people who follow the fairs. Two hundred and forty-four thousand people bought tickets to our fairs last year. At Lewiston we had horses go up fifty feet in the air and then down into the water, and this without any guidance, without being asked. We had men going up a hundred and fifty feet in the air and diving into four feet of water. Those are some of the things that we have at our fairs.

This bill specifically states—and there is no chance for any contradiction—that no people, fair or racing commission can have this pari-mutuel except the agricultural fairs. How are you going to dispute that? That is in the bill, and you cannot deny it.

Now, members, this is not a vicious bill; it is not a gambling bill; it is simply a play bill. I want to give you people a little illustration: There has been something said about people getting poor, and their families getting poor, and people going down to perdition, and everything else. Let me say to you that if you started buying pari-mutuel tickets today in this House, and you bought a million dollars' worth, you would still have the same amount of money that you had before, with the exception of three and a half per cent which the State would have. Think that over. That is how much you would be robbed.

Now in drafting this bill they gave very careful consideration to operation, and all it costs is ten per cent for operation. In other words, if one hundred men buy one hundred tickets and pay \$200 for them, they get \$180 back, and the remainder of the money goes to operation and three and a half per cent goes to the State of Maine. Do you know any other business in this State as liberal as that? The fair association does not make one cent. It is impossible for anyone to make any money on this gambling, if they call it that, this pari-mutuel, which is more or less of a chance game.

Now this bill has been carefully thought out. It is necessary to give

the man who buys a ticket a fair chance. Now you do not get that in Beano. You do not get ninety cents back on a dollar. That is a lottery too, and they play it in the churches and they play it all over the State.

Now we have heard of these things from time immemorial. We have talked and talked. Every bill of a progressive nature that comes up something is said against it, like the gasoline tax and like the repeal of the prohibitory law. We had to fight for many years to get that, but at last it came through.

Now all I ask you members to do is use your own judgment, and if you think that the people who are behind this bill are all bad people and do not know what they are talking about and are unfit to run agricultural fairs, then vote against this bill, but if you think they are fit to run their own fairs, and know what they are talking about, I ask you members to support the bill. I thank you.

Mr. LECLAIR of Lewiston: Mr. Speaker, I now move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Leclair, now moves the previous question. Before the Chair can entertain that motion it is required that one-third of the members rise and signify their desire that the previous question be put. All those in favor of the Chair entertaining the previous question 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: More than one-third of the members obviously having arisen, the previous question is ordered. The question now before the House is shall the main question be put now? All those 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.

The SPEAKER: The gentleman from Kittery, Mr. Burnham, has moved that when the vote is taken, it be taken by the yeas and nays. Before the yeas and nays vote can be ordered, it is required that one-fifth of the members present shall signify their desire that the vote be taken by roll call. Those in favor of the roll call will rise and stand until

counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Twenty-six having arisen, which is not one-fifth of the membership present, the roll call is not ordered. The pending question is on the passage to be enacted on H. P. 1256, L. D. 500, an act relating to horse racing for trotters and pacers and creating a State Racing Commission. Does the House understand the question?

Mr. CROWELL of Weston: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CROWELL: In order to call for a division of the House.

The SPEAKER: The gentleman from Weston, Mr. Crowell, asks for a division. 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 of the House being had, Ninety-three voting in the affirmative and 45 in the negative, the bill was passed to be enacted.

### Orders Of The Day

The Chair lays before the House the first matter tabled and today assigned, bill an act creating a State Lottery Commission, H. P. 147, L. D. 49, tabled on March 26th by the gentleman from Lincoln, Mr. Weatherbee, pending motion by the gentleman from Ellsworth, Mr. Higgins, to indefinitely postpone; and the Chair recognizes the gentleman from Lincoln, Mr. Weatherbee.

Mr. WEATHERBEE: Mr. Speaker and members of the House: It is with great reluctance that I rise again to extend the argument on these so-called moral issues. Two weeks ago the House spent nearly the entire day's session discussing this State Lottery Commission, and at that time every one apparently had a chance to talk all he wanted to. After that, we had a roll call, to make it more difficult for those members to vote for the bill who really and sincerely thought that it ought to pass, but who knew they would be harassed by certain groups when they returned home, after having voted for it. But in spite of this fact, the proponents of this bill won, and the bill was given its first reading.

Now at that time, after that good,

fair fight that we had, I felt I had said all I wanted to say on this subject, and I think the members of this House have heard me say about all they want to hear me say, and I think I have listened to about all the argument I want to hear on the subject. But there are one or two matters that have come up between that time and now which I would like to pass upon briefly. In the first place, we heard two weeks ago the statement that the political bosses, the would-be bosses of the parties, were behind this bill and trying to bring pressure to bear to secure its passage. Now I think every member of this House, during the past two weeks, has discovered for himself just who are the would-be political bosses who are trying to bring pressure to bear on this bill. Those who voted for this bill have found themselves harassed and attacked by clergymen and church people, mainly, of their communities, for having voted as they saw fit on this matter. Countless petitions have been circulated to bring pressure to bear upon them and to change their vote on this lottery bill. Opponents of this measure, clergymen, who have discussed this bill in their own churches, and given evidence of their opinion through petitions, have chosen to treat it as more or less of an academic discussion of whether or not a lottery is a safe and wise institution economically.

I think the members of this House know that we are not engaged in any academic discussion. We are not going into the philosophy of gambling or the lottery, and whether or not it is as an institution entirely sound. We are looking at the question which faces us at this time, which question is: Is the State going to get this money which is now going out of the State from the sale of illegal lottery tickets here, and is the State going to use this money for the benefit of its old people, or is it going to allow it to continue to pass from the State? Now I have the greatest of respect for those clergymen who have opposed this bill, and have spoken decisively their opinion on the matter. I know many of them personally, but I feel they have failed to grasp the problem, they have failed to grasp it in its full significance, concerning themselves only with the fact that a lottery bill is a gambling and a so-called immoral measure.

I have here on my desk a copy of the Lewiston Daily Sun in which it states that pastors at Lewiston and Auburn have signed a petition—I do not know whether it is unanimous or not—asking the members of this House not to pass a State Lottery Commission bill. Farther down on the same page there is an account of the police in the city of Lewiston raiding racketeers who were selling lottery tickets. Over on the front page is a statement of the New York City prosecuting attorney urging a state lottery for New York State, in an effort to aid the police in suppressing the lottery racket, which is in the hands of the gamblers and racketeers in the city of New York and throughout the country.

I think it is all very well for clergymen to criticise the stand taken by the members of this House two weeks ago, but do they tell us how we are going to raise money to establish the old age pension fund, to take care of elderly people? Do they tell us how we are going to overcome the fact that the people of this State and this country are going to buy lottery tickets through these racketeers, and so increase crime and racketeering in our State and in our country. I haven't seen one of them who has pointed out any of these facts. I believe these very clergymen who criticised the members of this House for taking an honest stand on this matter two weeks ago will be the first, if we return home without doing anything about the old age pension, to criticise the police of this country if they are not able to suppress the gangster lottery element which is being supported by the people of this State and country through the buying of illegal lottery tickets.

Now I have, in the last few weeks, talked with people whom I happened to meet who are somewhat more familiar than these clergymen with the situation with which we are faced. I remember of speaking to a former county attorney, and to the high sheriffs of two different counties, a high official of the State Highway Police, and to the judge of a municipal court, and I have heard reports from other public officials who are familiar with this situation, and who have said that they hoped this bill would pass, because they believed it was the only way they would be able to stamp out racketeering and the sale of illegal lottery tickets in this State. I respect



the judgment of these men even more than I respect the judgment of those clergymen, because those clergymen feel it is their duty to oppose this bill because it is a gambling bill. I believe that these men I have spoken to are in a position to know just what the situation is.

Now in the past two weeks we have had brought to our attention more than ever before the fact that lotteries as an institution are present with us today, just as much as they would be present if we pass this bill, which is up for its third reading at this time. I have on my desk a number of papers, most of which you have probably seen, and which I think express the situation more graphically than anything I could say.

Here is a copy of the Lewiston Journal, with an item of two columns, in regard to a raid on sellers of illegal lottery tickets in the city of Lewiston which took place last Monday.

Here are headlines in the Boston Post: "Tickets Seized. Thousands of New England Ticket Holders Never Had a Chance . . . Racketeers Stung Others . . . Canadian Drawing Also Heavily Hit by Postal Activity," etc.

This is mute evidence of the thousands of dollars which people of the State of Maine have passed out of the State, never to return again.

Within the last two weeks, since we had our vote on this bill, here is a Boston paper which says: "166 to Share in Sweeps Cash Here," and it tells about 166 people in New England who shared in those prizes, and of course there were thousands of others who contributed who did not share.

I have here an editorial in a Boston newspaper, urging a State Lottery Commission and the sale of State lottery tickets in Massachusetts, not for any old age pension, mind you, but simply to aid in suppressing and wiping out the illegal sale of tickets which is in the hands of the gangsters and racketeers.

Here is a copy of the Lewiston Sun with headlines: "New Englanders Poured Hundreds of Thousands Into 'Sweeps' Swindle." And I have here a copy of the Lewiston Sun in which it mentioned a winner of one of those sweepstakes prizes who lived in the city of Auburn, together with a statement of how hundreds of others had poured

their money into a sweeps swindle and got nothing in return.

I have here a copy of the Literary Digest of March 23rd, in which there is an article in which the writer advocates legislation to enable this government to get some of this money which is pouring out of the country, as it is pouring out of the State of Maine, into foreign lotteries. This writer incidentally points out that the citizens of the United States contribute to British lotteries the greatest amount of any of the hundred and twelve countries whose people buy the lottery tickets, with the exception of Great Britain itself.

I have here an article in Real America for the month of March, in which the writer points out that hundreds of thousands of dollars passed out of this country during the past month into this recent sweepstakes of which we have all read so much.

Now these newspapers show only one thing, and that is that the lottery is with us as an institution. We treat it—our newspapers treat it—just as though it were a legal procedure to buy and sell tickets. Those who do win have their pictures in the paper, but with the folks who lose thousands of dollars and are swindled out of their money, the newspapers simply state the fact. Only this morning I got a letter out of my post office box, sent to me by someone I have never seen, containing a book of lottery tickets for the benefit of the Lion's Club to establish some camp or other. I got a letter two or three weeks ago from a citizen of the town of Howland, in which he states that in that very small town he knows of fifty people who buy lottery tickets regularly from salesmen passing through that town and he has done so for ten years. He enclosed one of the tickets which was sold to him by this salesman, and also told me in that letter that he knows of five towns in that community in which he lives in which many tickets are sold weekly to regular customers in every one of those towns. I submit that if each one of the small towns in our State of the size of the town of Howland could afford to buy as many of these gangster lottery tickets as are sold in this small town, the sale of lottery tickets in those towns would carry the old age pension fund

without taking a single cent out of the cities.

Now the clergy of this State may choose to close their eyes to the fact that this vast sum of money is going out of our State, but I know this Legislature, this House of Representatives did not so close their eyes two weeks ago, and I do not believe they will choose to do so today. Even if there were no old age pension fund to be considered, a great many people in this State would urge a State lottery to keep this money in the State, and wipe out the racketeering which is going on through the sale of these illegal tickets.

Now I would like to stop here—I did not intend to speak very long—but I would like, briefly, to point out a very few facts about this bill which seem to be misunderstood.

In the first place there is a referendum on this bill, so it will go to the people for the final vote of the people, which is fair, inasmuch as it is an unusual, unorthodox procedure, and the people will have a chance to decide. Secondly, it is provided that minors and children and people on relief rolls of the State, county and Federal government will not be permitted to purchase tickets, and if they do so purchase, their ticket will be void. The third point is that while these tickets cannot be sent by mail, due to restrictions of the United States government, barring lottery tickets from the mail, yet they can be sent by express, and that would be apparently the way the commission would choose to send tickets to salesmen in the towns to be sold in those towns. While these tickets cannot be sold outside of the State—and surely the Commission would not choose to sell them out of the State—yet tourists from other states coming here could buy tickets in this State, and I believe many of them would be very glad to do so.

Now I said a few minutes ago that the question is: Are we going to get some of this money that is going out of the State and apply it to our old age pension fund? I believe I could have gone even further and said that the question is: Are we going to have an old age pension fund?

Now I do not intend to embarrass or in any way antagonize any of my friends in this House who believe that we are going to be able to pass any other taxation measure. I will

leave that to each individual member of the House to decide, in his own mind, as to whether or not any of these additional taxation measures are going through. But I will say that every one of you knows this is the only way we can support our old age pension fund without further burdening our taxpayers; that it is the only way we can be certain at this time that we are going to be able to provide for our elderly people in this State through a systematic plan for an old age pension fund.

Now it is my duty, I suppose, to prove to you that the people of this State would buy these State lottery tickets in preference to gangster lottery tickets which they now buy, and I think I can easily do that. I think there is no question but what the passage of this bill would tend to eliminate these other gangster lotteries.

In the first place, take my town; take your town. In my town there is a man who sells these gangster lottery tickets, a friend of mine, a citizen of the town. The people of the town regularly buy the tickets. It is the will of the people, and nothing is done about it. I would not complain against this man selling tickets. He is a respectable citizen of the town, and I would dislike very much to do it. But if the town officials in this town were selling lottery tickets and the money was going to the old age pension fund, I would be the first to complain, and I think you would, if this citizen did sell gangster lottery tickets and did take out of my town of Lincoln money that should go to the old age pension fund.

Secondly, these State lottery tickets would be more desirable than the lottery tickets which the people are buying now. The chances of winning are greater, and the amount of money given out in prizes would compare very well with the average amount given out on lottery tickets which the people of our State are buying at the present time; and, furthermore, when a person buys a State lottery ticket they know that, if they draw a lucky number, they have a chance to win a prize, and that is something they do not know they have at the present time. I need only call to your attention the accounts in the paper of the thousands of people swindled in Maine and throughout New England in the past few weeks by the sale

of illegal lottery tickets. Furthermore, there is an element of public spirit, and public opinion, which would impel, as I believe you would agree, the citizens of our State in this emergency, to buy the tickets of the State Lottery Commission in preference to buying tickets in the gangster lottery which some citizens might attempt to sell, knowing that their money would go to the fund to lighten the burden of the taxpayer and take care of our elderly people.

Finally, we have been called immoral—those of us who supported this bill. I leave it to the members of this House: Who is immoral, the Legislature, who, after thinking this matter over, decides, in view of all the facts, that in this time of emergency the State of Maine has a right to get this money which otherwise would be lost to the State by the sale of these lottery tickets, or the clergyman in his own church, which in many cases supports lotteries for its own functions, speaking to his congregation, many of whom buy lottery tickets, and urging them to sign petitions to send down here to the members of this House who made up their minds on this matter two weeks ago, many members of which House buy lottery tickets themselves, and buy them frankly and openly and have so stated here. I would like to know if the shoe isn't on the other foot right now, and who is the immoral one, the man who votes for the passage of this bill or the man who fights against its passage, knowing that the elderly people of this State may likely go another two years uncared for as a result.

Now we in this House and in this State are faced with an emergency. We have a choice of three things: We have got to give up the old age pension plan, or have got to put on a further burden of taxation on the already over-burdened citizens of the State, or, thirdly, we have got to pass some such plan as this, to enable our State, in this emergency to get some of this money which is every day passing from the borders of the State never to return again.

I ask you, as members of this House, wouldn't we be indulging in a little bit of hypocrisy, wouldn't we be indulging in a little bit of false pride, and false purity, if we

turn down this plan, and if we reconsider our action of two weeks ago and turn down this plan to get money for our old people, knowing that the result will be that these old people will very likely be uncared for for another two years. I believe this State cannot afford to turn down this plan at this time, and so I hope the motion of the gentleman from Ellsworth, Mr. Higgins, for indefinite postponement of this bill will not prevail.

Mr. FORTIN of Lewiston: Mr. Speaker and members of the House: First I want to apologize for getting up twice in two days in succession to speak on two different measures, because it is not my desire to impose myself upon you. It also makes me a little nervous when I have to speak. However, I happen to be interested in both measures.

Now it seems to me that this is certainly unnecessary for grown-up men and women, like the whole of us, who have once on the floor of this House voted that the Lottery bill be passed, to say anything further about it. We had ample opportunity at that time to say whatever we had to say. We obliged our opponents with a roll call; in fact we did everything possible to cooperate with and help them. Last Saturday we were asked by our opponents to table the bill, which we did. Now it may be a desecration of this House, and I hope I may be forgiven, but may I, with your permission, introduce additional evidence why this bill should be sustained by us?

You will find on my desk here a few lottery tickets. I received thousands of them from all over the State, but I did not want to exhibit the whole of them, so I brought a few samples. If I may impose on your patience, I would like to read just a few of them. Here is one from Nevada. About \$50,000 will be used for the unemployed of Nevada. Here is one here from a hospital in Sherbrooke, Hotel Dieu. Here are some here unsold; they are not for sale, they are too old. Here the Army and Navy Veterans of Canada. Here is one from a church, Rev. Fr. James R. Cox, Relief Fund. Here is one that comes out every month all over this country, the Canadian National Limited. There are too many to read them all, but you can call here and read them over.

This is all money that is going from the State at the present time, and more too. They represent everything that you can think of from treasury figures to automobile numbers or whether the sun will shine tomorrow or not.

Also I am a member of the American Legion. We help our boys, the American Legion Junior Baseball League. We go out and sell tickets to raise a little money. These lotteries as they are conducted,—I offer to you additional evidence of the reports as they come out openly as you see them (indicating papers.)

Now may I say in passing, because I do not want to talk too long on this bill, that if this bill is defeated,—I would not say “pass the buck,” but let the upper branch do it. If they vote it out favorably, fine. If they do not, we can repose in peace and say that we have done our duty to raise money for a good purpose. I hope that not one single person who voted for this measure last Thursday will vote against their own vote. As you have heard me say before, grab what is going by our front door that can benefit our State. It is not immoral, it is a recognized thing that will keep going on no matter what we do about it. I hope that we again give this measure a favorable passage; and may I indulge—and forgive me if I am trespassing on some law of decency; but on your desks this morning there was a beautiful poem on the pari-mutuel bill. I do not want to convey the impression that I want to be saucy or impudent, for I do not. I usually like to copy the other fellow, and I would like to copy him on the last two paragraphs of this poem. It really emphasizes what Mr. Weatherbee has said:

“The sharks get the money, most every last cent,  
They take it 'way with them, return when it's spent.  
Now hear me, you men who have now got the power  
And hold to your honor in this crucial hour.

And now use your vote to help pass this blooming thing while  
You might save the paper that goes on their pile  
That our future servants, when tempted with wrong,  
Will say you did right and will pass it along;

Just think this thing over, just think it well through,  
The people back home, are banking on you.”

to provide money for an old age pension that God knows deserves your attention. (Applause)

Mr. MALLETT of Lee: Mr. Speaker, ladies and gentlemen; Please take notice that I said “ladies and gentleman” this time. I rise to speak with conflicting emotions. For one reason I am particularly pleased to have a chance to talk on this question, for another I am a very close relative of the gentleman from Lincoln and he is one of the best friends I have here in the House; but I have some ideas on the subject that differ from his. In this town of Howland which has been spoken of, three years ago when they were probably paying more money for lottery tickets than they are now, they were receiving thirteen dollars per week working for the Advance Bag and Paper Company, and if they were receiving thirteen dollars a week and could afford to buy lottery tickets, that seems queer to me. The next winter they had no work and the following winter they worked about half the time at thirteen dollars a week. Now if that is the class of people who are going to buy lottery tickets, I do not believe we should have any legalized lottery system in the State of Maine. Furthermore, with thirty-five cents out of each dollar going to the buyer of the ticket, and about 100 to 1 shot at that, I do not believe it is going to be very attractive; and I do not see how it could be. Maybe some of the outside lotteries pay a little better, but if a person does not know what he is buying, he is more apt to do it than if he does know. My mother is eighty-six years old, she is a sister to Mr. Weatherbee's grandmother and an old age pension would be very acceptable to her; but she would not be willing to receive one from any such source as this lottery system that is put before us.

I notice that the title of this bill is camouflaged in the same manner as the pari-mutuel was. I do not see for what reason. I do not see why it is not as well to come out in the open. I think if we are going to try to get money one way would be to save some. The old saying is that a penny saved is bet-

ter than two earned. Why not legalize all sorts of crime in the State of Maine, murders and everything else? Why have a State Prison, juries and courts? Why not do away with them and use the money that goes for their support for other purposes?

I voted against this bill last Thursday, and I shall continue to vote against it. I do not believe for a minute that this State should have any such measure put through. I spring from old Puritan stock and anything of this sort goes against my grain.

Mr. BUBAR of Blaine: Amen! (Laughter)

Mr. MALLETT: No matter if religion or politics enters into it at all so far as I am concerned. I hope that the motion of the gentleman from Ellsworth (Mr. Higgins) will prevail.

Mr. HIGGINS: Mr. Speaker, I have very good news for you. I shall be extremely brief because it is my thought at this time that there is no need of summing up all of these arguments again. I shall not attempt to present an array of newspaper clippings. I would read one from the Boston Herald where they are talking about the lottery in Maine, and I will quote just one sentence: "A victory for the lottery would be amazing and disgraceful." I did agree with the editor when he wrote that.

Brother Weatherbee and I differ in our thoughts upon this measure. Some might lead you to feel that my position was one that was dictated by party leaders or by leaders in the clergy; but I wish to tell you here and now that this is not a political measure with a party sponsor, and, so far as I know, there has been no influence whatsoever brought to bear, upon me at least, by the churches. So I stand here as one who has a decided opinion upon this question.

I differ a bit with the gentleman in that he would like to see our State competing with the gangsters. That was his thought two weeks ago and I believe it is now. Well, that is up to you and I do not think I need to say anything on that score. You all have decided views as to whether you want the State in that position or not.

The gentleman and I differ on the question whether it is wrong or not. He says there is nothing wrong about it, and yet the very bill that

he drew, or which he fosters, states that it is a crime for all others in the world to do it. That would indicate something wrong about it and even that he had a suspicion that there was something wrong about it.

To sum the whole thing up, I believe there are very few members of this House who want to see a gambling bill passed. There are members of this House who do want to see an old age pension, and I do not think we need to confuse the two thoughts of a lottery bill and an old age pension. We might have one without the other. That has been the plan all the way through to have two thoughts so closely united that it would be impossible to distinguish them and that your emotional desire to take care of the aged would cause you to pass this bill.

Our Governor in the press last week made the following statement and this is an Associated Press dispatch: "Governor Brann said today he believed a satisfactory plan for old age relief in Maine could be worked out without seeking new source of revenue." This is just a passing thought, a word from the Governor as to his idea on revenue for old age pension. Now I come to this last thought that I have in mind—whether the Governor is correct in that I do not know, but if there is new revenue to be raised to take care of an old age pension, I make this suggestion to this House: Let's not plead guilty to the indictment which has been hurled against us by the papers since the start of this session, namely, that this Legislature did not have the courage to pass any revenue measure,—by any measure I mean bringing in new revenue. Let's not plead guilty to that indictment; and if we accept a lottery as the only way of taking care of the aged, I believe that we are doing just that. We are pleading guilty and we are accepting the fact that we cannot pass legislation to take care of the aged, and, certainly, if we cannot pass legislation for as worthy a group as that, we will pass no legislation that will raise revenue for any other group that may need assistance. With these further thoughts, not presented at all with the idea that they would rebut the statements of the gentleman from Lincoln (Mr. Weatherbee)—you are

all familiar with his argument and you all know the arguments on the other side as well and better than I do and for that reason I shall not impose upon you longer. The idea suggested is this, that if we want to take care of the aged, let us do so with a good deal of courage and in the kindest manner possible. I think they deserve it. There is something about it that seems wrong to me when I see these twins, rum and gambling, as the ones who have got to take care of the aged. I think that perhaps we can find a better way and a way that will be more honorable to the people of the State of Maine. (Applause)

Mr. PAYSON of Brooks: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Brooks, Mr. Payson, now moves the previous question. Before the Chair can entertain the previous question, the consent of one-third the members present is necessary. 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: Obviously more than one-third of the members having arisen, the previous question is ordered.

Mr. HIGGINS: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman from Ellsworth rise?

Mr. HIGGINS: To ask for a roll call.

The SPEAKER: The gentleman's motion will be entertained at the proper time. The question now before the House is shall the main question be put now. 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 main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Higgins.

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

The SPEAKER: The gentleman from Ellsworth, Mr. Higgins, has moved that when the vote is taken, it be taken by the yeas and nays. Before the yea and nay vote can be ordered, it is required that one-fifth of the members present shall

signify their desire that the vote be so taken. Those in favor of the roll call 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 a sufficient number obviously having arisen, the yea and nay vote is ordered, and the Clerk will call the roll. The question before the House is on the motion of the gentleman from Ellsworth, Mr. Higgins to indefinitely postpone H. P. 147, L. D. 49, an act creating the State Lottery Commission. Do all understand the question? The question is to indefinitely postpone. The Clerk will call the roll and the members will answer to their names as called.

YEA—Austin, Exeter; Austin, Parkman; Aver, Brown, Bubar, Burnham, Cambridge, Campbell, Carleton, Chase, Baring; Chase, Limington; Chase, Sebec; Cole, Cook, Crowell, Currier, Davis, Fairfield; Deering, Dennett, Devereux, Dorr, Dow, Drisko, Eddy, Ellis, Castle Hill; Ellis, Rangeley; Finden, Flanders, Fogg, Rockland; Forbes, Fowles, Gleason, Goss, Graves, Gray, Brooksville; Gray, Presque Isle; Hagan, Hall, Harriman, Gardiner; Harriman, Prospect; Haskell, Hescocock, Higgins, Hill, Kendrick, Leonard, Lewis, Mallett, Martin, Dexter; Martin, Oakland; Mason, McKay, Newton, Noyes, Oliver, Palmer, Parsons, Patterson, Phair, Philbrick, Pike, Russ, Ryder, Sennett, Sewall, Shaw, Smith, Bangor; Stickney, Stilphen, Story, Thompson, Chelsea; Tupper, Webber, Wheeler, Woodbury, Worthen.

NAY—Alden, Allan, Belaire, Boucher, Bramson, Burrill, Bushey, Carswell, Clark, Plymouth; Clarke, Cooper; Connolly; Cote, Crosby, Cummings, Davis, Newfield; Demers, Desmond, Donahue, Donovan, Doyle, Caribou; Doyle, Skowhegan; Elliot, Eveleth, Forgue, Lewiston; Fortin, Gibbons, Hammond, Hastings, Heald, Hearn, Hobbs, Jacobson, Jandreau, Jillson, Kilroy, King, Labbee, Lancaster, Latno, Lausier, Leclair, Lindsey, Mace, MacKenzie, Maheu, Mosher, Payson, Poulin, Proctor, Richardson, Roach, Rush, Sawyer, Scates, Seabury, Sleeper, Smith, Van Buren; Sprague, Stoddard, Thompson, Belfast; Thurston, Vaughan, Wallace, Weatherbee, Wentworth, Wright, Young.

ABSENT — Bragdon, Burgess, Churchill, Coolidge, Hathorn, Lebel, Willey.

Yes—76.

No—67

Absent—7.

At the close of the roll call the gentleman from Lewiston, Mr. Le-

clair, changed his vote from yes to no.

Seventy-six voting in the affirmative and 67 in the negative, the motion to indefinitely postpone prevailed.

(At this point President Weeks of the Senate was escorted to a seat beside the Speaker, amid the applause of the House)

The Chair lays before the House the second matter tabled and today assigned majority report ought to pass and minority report ought not to pass of the committee on Inland Fisheries and Game on bill an act relative to resident fishing and hunting licenses, S. P. 132, L. D. 79, which came from the Senate the majority report accepted and the bill passed to be engrossed. In the House on March 29th this was tabled by Mr. Clarke of Cooper, pending the motion of Mr. Davis of Newfield to accept the majority report in concurrence; and the Chair recognizes the gentleman from Cooper, Mr. Clarke.

Mr. CLARKE: Mr. Speaker and members of the House; in view of the fact that the constitutionality of this proposed bill is in question, and that the House passed an order requesting the opinion of the Supreme Court as to the constitutionality of it, and as I understand that we can have the answer to the question in a very short time, I move that the matter be retabled and specially assigned for Friday, April 5th.

A viva voce vote being taken, the motion prevailed and the bill and reports were retabled, and so specially assigned.

The Chair lays before the House the third matter tabled and today assigned, House Amendment A to bill an act relating to fees for registration of motor vehicles, H. P. 39, L. D. 12, the amendment being printed as L. D. 883, tabled on March 29 by the gentleman from South Portland, Mr. Hill, pending adoption; and the Chair recognizes that gentleman.

Mr. HILL: Mr. Speaker, it is not without some reluctance that I rise to oppose the bill and the amendment offered by the gentleman from Cooper, Mr. Clarke, because I realize that the motive and purpose which the gentleman has in his mind is a commendable and laudable motive, and I know that

he has worked diligently and assiduously throughout the session in the hope that he might bring about the passage of this bill in some form for the purpose of relieving those of our citizens who are in financial distress, for the purpose of making it easier for them to meet their obligations in connection with the payment of the registration fees upon trucks. I feel that his constituents should feel that their Representative has worked very diligently in this respect, but on the other hand, the bill appears to me to be one which would be disadvantageous to the State of Maine, one that would bring about complications in the administration of the office of the Secretary of State in connection with these registration fees.

The bill as originally introduced was designed to permit applicants for registration of motor trucks to pay those registration fees in four installments, and it was believed by the Judiciary committee that this would result in a very decided loss of revenue to the State for the reason that under the bill it would be possible for those who used trucks to lay them up for a period of the year without registering them and without paying the fees for that portion of the year so the committee unanimously reported that the bill ought not to pass. Then the gentleman from Cooper, Mr. Clarke, proposed an amendment which would change the period from three months to six months, and make it possible for the fees to be paid in two installments, semi-annually, instead of in four installments. This, I think it must be admitted, is an improvement over the original form of the bill, but I, nevertheless, cannot escape the conclusion that it would result in a loss of revenue to the State which is so much needed at this time, and I cannot escape the conclusion that it would seriously handicap the Secretary of State in his department, for the reason that it would result in delaying the payment, in delaying the receipt of revenue in many cases, if not in most cases, for a period of six months.

It is necessary under the bill and under the proposed amendment, that if, at the end of the first six months, the operator or owner of the truck fails to pay the second installment, the Secretary of State must go out and get back the regis-

tration plates that have been issued. This would impose upon the Secretary of State a very considerable burden, as I think we all can readily see. It would be necessary for him to devise some means of getting these registration plates back. The registration plates might not even be within the State of Maine at the time; they might be in any of our forty-eight states, or in some foreign country.

For these reasons I move, Mr. Speaker, that the bill be indefinitely postponed.

Mr. CLARKE of Cooper: Mr. Speaker and members of the House: I have listened with great pleasure to the remarks of the gentleman from South Portland (Mr. Hill). Of course I am not able to compete with him in eloquence. May I also say that nature has played a scurvy trick on me in imposing on me a cold which interferes with my voice. That may be something for you members to be thankful for, but I will simply say that my motive has been well stated by the gentleman from South Portland (Mr. Hill).

There is a condition which exists all over the State in regard to owners of motor vehicles. It never has been, since the first start of taxation, that any form has been agreeable to any of the different departments that have to do with these things to afford them any relief. No relief has ever been offered. If you seek to relieve them in any manner, they call out, "Oh, what will we do without the revenue!" I think it is unfair to the people of the State of Maine to look at it in that way. Now this amendment changes the original bill altogether and simply allows the owners of motor trucks to register them for a year, but to pay in two installments if they wish, and on the first installment there is a carrying charge of five per cent of the installment, which it was supposed at the time I prepared this amendment would take care of the extra clerical work that was needed.

Now in regard to the objection that has been brought out, no one can prove that. I cannot prove that it is going to help as much as I say. The opponents of my measure cannot prove that it is going to hurt as much as they say. Until we try out these things we cannot tell how they will work out. My contention is that if truck owners were allowed to pay in two installments, those

who are able to pay would pay anyway for the full year and the money would be there just the same. But many of them, you know, are unable to pay at the first of the year under present conditions. Now on April 1, 1934 there were 21,300 trucks registered of all weights, and on July 1, 1934 there were 30,456 of all weights. Now I believe that practically all of those trucks would have been registered by April 1 if the two installment plan had been in force. I cannot prove that any more than the opponents of it can prove that it would not be so; but I would like to see some little start made to help out the motorists, and I think there are many here who believe such a start should be made. I do not want to do anything to curtail the income from motor vehicles, and I do not believe this would. The minute anyone mentions anything like this, why, of course, the Department that has it in charge says: "No, we must not have it, it is going to curtail revenue." Well, of course, as I said before, they cannot prove that. I will say that I have asked no one to vote for the bill because I would vote for their bill. I have not promised anybody that I would vote for their bill if they would vote for mine. I do not believe in doing business that way; but if a majority of the members of this House think that this would be just and fair, I wish they would vote against the indefinite postponement, and, later on, for the adoption of the amendment. I thank you.

Mr. SCATES of Westbrook: Mr. Speaker, I fully agree with the remarks of the gentleman from South Portland (Mr. Hill). The bill is wholly impracticable. It cannot be worked out fairly. The trucks destroy our roads more than all the other automobiles combined and why shouldn't they pay for it?

Mr. CLARKE: Mr. Speaker, I ask that when the vote is taken it be by a division of the House.

The SPEAKER: The motion before the House is on the indefinite postponement of the amendment. Will the gentleman from South Portland, Mr. Hill, restate his motion?

Mr. HILL: Mr. Speaker, the motion was that the bill be indefinitely postponed.

The SPEAKER: The question before the House is on the adoption of the amendment. Are you ready for



the question? All those in favor of the adoption of the amendment will say aye, contrary-minded no.

A viva voce vote being taken, the amendment failed of adoption.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Hill to indefinitely postpone the bill. The gentleman from Cooper, Mr. Clarke, has asked for a division. All those in favor of the indefinite postponement of the bill will rise and stand until counted and the monitors will make and return the count.

A division of the House being had,

Ninety-four voting in the affirmative and eight in the negative, the bill was indefinitely postponed.

The Chair lays before the House the fourth matter tabled and today assigned, House report ought not to pass of the committee on Judiciary on bill an act relating to the exemption of personal property from attachment, H. P. 1324, L. D. 577, tabled on March 29 by Mr. Sawyer of Brunswick, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SAWYER: Mr. Speaker, I now offer House Amendment A to this bill. The object in offering this amendment—

The SPEAKER: The Chair will have to rule that the gentleman is out of order in offering an amendment at this time. The question is on the adoption of the report.

Mr. SAWYER: Mr. Speaker, I move that the bill be substituted for the report.

A viva voce vote being taken the motion to substitute the bill for the report failed of passage.

The SPEAKER: Is it now the pleasure of the House to accept the report of the committee? The Chair recognizes the gentleman from Brunswick, Mr. Sawyer.

Mr. SAWYER: Mr. Speaker, I will say that my object in offering the amendment was to clarify a technical objection which the Judiciary committee had, and I understand that the amendment which I offer is satisfactory to that committee.

The SPEAKER: The question, Mr. Sawyer, is on the acceptance of the ought not to pass report. Does the gentleman wish to make any further motion.

On motion by Mr. Sawyer, a viva

voce vote being taken, the ought not to pass report was accepted.

The Chair lays before the House the fifth matter today assigned, bill an act relating to collection agencies, H. P. 1830, L. D. 880, tabled on March 30 by Mr. Doyle of Skowhegan, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. DOYLE: Mr. Speaker and members of the House: You have listened to many long and varied arguments this morning and no doubt are weary of listening to the sound of the human voice. With that in mind, I hope it will not be necessary to inflict further punishment upon you; and I move the indefinite postponement of this bill. I believe the measure is discriminatory and will drive many honest people out of legitimate business. I believe it should not pass.

Mr. JACOBSON of Portland: Mr. Speaker, it seems that I am working under a handicap this morning because of the attitude of the House at this time. I did not intend to speak on this bill because at the time I put this bill in, and at the time the report came out of the committee unanimously ought to pass, I did not think it would be necessary for me to speak on it. Unfortunately for me, I was not present here on Saturday when this bill was placed on the table, and I did not learn until last night that there was any opposition to it. When I did learn that there was opposition I made an appointment with the opponents for 8:30 this morning and tried to thresh out the matter by amendments. It seems they are opposed to the amount of the surety bond, and I tried to compromise with them by an amendment. Also there was objection to the hundred dollar license fee, and I tried to compromise with them on that, but I could not get to first base, so to speak. Their intention was to kill the bill and that is all they wanted to do.

Now this bill is not a lawyer's bill but a bill that was sponsored by the Chambers of Commerce of this State, and I have letters to prove it. This law is not aimed at the legitimate agency, but it is aimed at the unscrupulous agencies, of which there are many in this State, and about which I doubt whether my opponent knows much. I have one letter here from the

Portland Chamber of Commerce which I would like to read at this time:

"Dear Mr. Jacobson: I am very much interested in Legislative Document No. 457, an act relating to collection agencies, which you are to present at the hearing.

"I regret very much my inability to attend this hearing for I do feel that I have sufficient information, data and experience that may be of help to the committee.

"It is my opinion that since the Portland Chamber of Commerce established its Better Business Bureau in 1927, the collection agency complaints outnumber by far the many so-called rackets that cause such a leakage to business and professions and great diversion of money from the right to the wrong channels. Listed in my files are eighty-five so-called collection agencies. Many are not now in business—a few are.

"I do not wish to infer that there are not some good collection agencies. I know that there are and some of them are members of our Chamber of Commerce but the vast majority of them are nothing but rackets. I am referring particularly to that type of collection agency that claims to operate as a purchasing company, claiming to buy accounts outright. Then there is the type of collection agency with a trick contract which glibble merchants and professional men sign and very often not realizing that they are signing a contract and later not being able to get in touch with the collection agency because they discover that no copy of a contract or other information is left with them."

At this point I would like to elaborate a little bit and say that the agencies work through a post-office box. They send their mail through a postoffice box and the merchants do not know how to get hold of them. I have taken care of that in this new draft.

(Quoting from letter) "The best law that I have seen regarding collection agencies is the Rhode Island law," which is exactly like this law that I have presented here. "This data is now in the hands of the author of this bill. I have checked with Providence merchants and the Providence Better Business Bureau and they inform me that since that law has gone into effect

they have driven all of the racketeer collection agencies from the city and helped materially the good collection agencies and the attorneys.

"It would seem to me that a collection agency law should require the agency to leave a copy of its contract with the client—that the collection agency should have a regular place of business and should not operate from a postoffice box. My experience has been that a great many of the questionable collection agencies do operate from a postoffice box for the reason that in that way the clients cannot see them unless it is agreeable to the collection agent to see them. I believe that the requirement for the collection agency to be bonded is a most important one and a cash bond is far preferable. My experience has been that many of the collection agencies with whom we have had so many difficulties have been amply bonded but because of the fact that their contract is so bonding and ironclad that the bond would not be sufficient to protect the client.

"Whether or not it would be possible to have some uniform or standard contract I do not know. I have several different types of contract that are available to you if needed.

"As an example of the nature of these complaints, they are all quite similar—namely that business men, professional men, hospitals, etc. have reported to us many times that two and three years have elapsed that they have turned over to collection agents thousands of dollars—have received nothing, not even a report and did not know where to find the collection agent as they did not have any data of any kind and came here at this office for information and help."

I have letters that Mr. Small of the Portland Chamber of Commerce gave me from the Providence Credit Bureau, as follows:

"Mr. William S. Small, Dear Sir: We are very much in favor of the State Bonding Law, requiring collection agencies to file a bond, amounting to \$2,500 with the State and to pay a license fee of \$100. In our opinion this will keep unscrupulous collection agencies from doing business.

"I cannot give you the exact figures as to how many collection agencies there were in business in

Providence before this law went into effect but I do know that many have discontinued business because they could not get a bond. The bonding companies are very strict in issuing this type of bond."

Then we have one from the Better Business Bureau of Providence, Rhode Island: "In reply to your letter of January 9 regarding the subject, we wish to advise you that so far as our files show we have not received any increase in complaints against attorneys since the collection bill was made effective.

"Complaints against collection agencies have entirely ceased since the enactment of the law.

"So far, we believe, the law has benefited the business men of this city, as a number of irresponsible agencies were put out of existence."

Representative Demers, who has a cold, has asked me to read letters that he has received, and with your permission I will now read them.

"Hon. Phidelem Demers, Augusta, Maine, Dear Sir: In reference to the House Bill in relation to collection agencies permit us to say that we are heartily in favor of something of this nature.

"We have had a sad experience with one of these so-called agencies in Portland, to whom we assigned a large amount of bills for collection some two years ago. We have proof from a number of our debtors that they have paid their accounts in full, or in part, but notwithstanding many requests for accounting, we have been unable to get any money or statement regarding the collection. If necessary we will furnish name of the agency."

"Springvale, Maine, February 26, 1935 "Friend Demers: I note there is a bill to come before the Legislature very soon in regard to regulation of collection agencies.

"As I have had plenty of difficulty with one of these agencies in Portland, I wish to record myself in favor of the adoption of some bill that will give some protection to those who commit bills to others for collection."

"Dear Sir: Some three years ago I gave several bills to a collection agency in Portland, Maine. I have tried in vain to get a settlement from it, and although I know they have collected some of them in full, haven't received a cent from the agency. I certainly am in favor of some bill to regulate such agencies."

"Dear Sir: Please record me in favor of the bill before the Legislature in regard to regulation of collection agencies. I have been 'done' plenty by one in Portland."

This law is in effect now in Massachusetts and in Rhode Island, and I have got in touch with both of them and they are working out very satisfactorily. We have to protect the suckers. The suckers will go to these agencies because they have the silver-tongued orators coming to them and soliciting business. Now we have no way under the present law in which these so-called suckers can be protected, in other words, get their money back. I was informed by one of my constituents that he owed a bill to a company and the agent of a collection company came to him and demanded that he give up his watch in payment for this bill, and he did. There was a complaint to the Chamber of Commerce and on due reprimand from the Chamber of Commerce the watch was given back.

I had a case not so long ago where I was appointed Trustee in Bankruptcy in which the bankrupt gave many thousand dollars to a collection agency for collection. I demanded a statement of what they owed us and they sent back a statement showing that we owed them one hundred dollars and we got nothing. I received the other day five claims from people owing money. I wrote them and they said they had paid the collection company. I looked for the collection company and they were out of town although the bills were paid in full.

As I have said before, this bill is not aimed at any legitimate collection agencies, and there are some legitimate ones. This bill will help such companies rather than hurt them. I certainly hope that the motion to indefinitely postpone will not prevail.

Mr. DOYLE: Mr. Speaker, I had not intended to go into this in detail. I have no prepared oration to deliver to you but I would like to say this: We all oppose the principle of King Herod who sent his soldiers throughout the countryside to kill every newborn babe so that Christ Himself would not be permitted to live.

I want to admit that the gentleman from Portland (Mr. Jacobson) is right when he says there are many racketeers in the collection business; but I do not think it is necessary to kill off the good ones

so that we may include in the slaying the racketeers. The gentleman has letters from the Chamber of Commerce of Portland. I have a letter from a widow who conducts a collection agency. Now why should a humble widow presume to oppose any move that the Chamber of Commerce of Portland could make? Why? Because she has two children to support, because that business is the sole means of support of those children, and because if this thing went through, she might not be able to pay a license fee and secure a bond.

There is one thing I would like to call to your attention, and that is this: That a surety bond in these days is certainly not the easiest thing on earth to get. A surety company expects a premium for a bond in proportion to the risk that it assumes, but it does not care to assume any risk unnecessarily.

Now this bill limits it to lawyers. The bill was presumably drafted by a lawyer, it was submitted by a lawyer at the hearing before the committee, composed entirely of lawyers, nine in full bloom and one in the bud. (Laughter) Now to what can that be compared? That can be compared to a trial in Hell, with the devil as the judge and his imps as jurymen. Now, I say, what can come of that but devilry?

The people have sent us down here not to legislate entirely in favor of the people of Portland. We have come here from all points to represent all the people. They have placed trust and confidence in us and we should look after them. I have no objection to any legislation that may be enacted to safeguard the interests of the people who entrust their delinquent accounts to collection agencies. The gentleman from Portland, Mr. Jacobson, referred to the suckers. There is an old adage which says, "Let the buyer beware." Change it, if you will, to "Let the sucker beware." Where does the sucker go? There are in this State between 250 and 300 agencies, and probably ninety per cent of those agencies would be put out of business, either because of inability to pay the license fee or inability to secure a bond, and where would the sucker go? The bill reads that no person who is not a lawyer shall conduct an agency unless he be bonded. He would go to the lawyer. Now through what miraculous process does the lawyer go that makes him divine? Through none. He is

just as human as we are and just as prone to error. Many delinquent accounts collected by human beings include among those human beings lawyers, and lawyers, as well as members of every other profession are apt to go wrong.

I hope that without further discussion the motion to indefinitely postpone this bill will prevail.

Mr. JACOBSON: Mr. Speaker, I would like to clear up one or two points that have been brought out by the gentleman from Skowhegan, Mr. Doyle. In the first place, this bill is not sponsored by the Portland Chamber of Commerce but by all of them combined. Secondly, if we have any grievance against any attorneys on these matters, we have a grievance committee for just that one purpose; and if you have anything against an attorney, that is the place to go. We have no place to go when it comes to these agencies because, to my own knowledge, there were four cases in the Portland Municipal Court that were not pressed for lack of evidence, and I know personally that the money was gotten by an agency because I could not collect it otherwise.

Mr. SLEEPER of Rockland: Mr. Speaker, I would like to say at this time before I say a word for or against this bill that I know every member of the legal profession in this House, and I have respect and admiration for each and every one of them. I have heard several stories about lawyers but I can certainly say that I do not believe that those yarns would apply to any lawyer in this House. However, I cannot say that for every lawyer in Maine. Long experience has taught the average business house that it cannot entrust its collections to lawyers if it wishes to get very much of the sums it gives them to collect. (Laughter) Lawyers' fees are very excessive and nobody knows that better than I. At one time my firm gave out four hundred dollars' worth of bills to collect and we waited a year. At the end of that time we called up the lawyer and asked him how much he had collected. He said \$211.00, and I said, "Bring that over," and he brought over a statement showing that I owed him six dollars. (Laughter) In one case he had taken a bill which amounted to \$32.00 to court and the court costs and his costs and the sheriff's costs and writ of

replevin amounted to \$56.00 to collect \$32.00, and on top of that he lost the case. (Laughter) So I think that you and I, the average man, and even the lawyers themselves, will admit that the average small bill for stores and business houses can best be collected by good collection agencies. If we find anything wrong with them, we do not have to patronize them. This bill is very selfish. It says: "No person, partnership, association or corporation, not being an attorney at law duly authorized to practice in the State shall conduct a collection agency." and so forth, and I heartily concur with the motion of the gentleman from Skowhegan, Mr. Doyle, to indefinitely postpone.

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Doyle, to indefinitely postpone this bill. Are you ready for the question? All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

The Chair lays before the House the sixth matter tabled and today assigned, bill an act relating to maintenance and snow removal on highways, H. P. 1831, L. D. 881, tabled March 30 by Mr. Clarke of Cooper, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. CLARKE: Mr. Speaker and members of the House: I tabled this bill for the purpose of looking it over. I thought perhaps there might be something which would affect adversely the small towns. I looked it over and I find nothing the matter with it, and I move that it have its third reading.

Thereupon the bill had its third reading under suspension of the rules and was passed to be engrossed.

The Chair lays before the House the seventh matter tabled and today assigned, bill an act to define the powers of the State Liquor Commission, H. P. 1820, L. D. 872, tabled March 30 by Mr. Crowell of Weston, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Crowell the bill was passed to be engrossed.

The Chair lays before the House the eighth matter tabled and today assigned bill an act relating to the South Portland Sewerage District, H. P. 1817, L. D. 867, tabled March 30 by Mr. Hill of South Portland, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Hill the bill was passed to be engrossed.

The SPEAKER: That takes care of all the specially assigned matters. There are three unassigned matters on the Calendar.

On motion by Mr. Payson of Brooks, it was voted to take from the table the first unassigned matter, House report ought not to pass of the committee on Ways and Bridges on resolve in favor of the completion of Route 7 from Brooks to Belfast, H. P. 914, tabled by that gentleman, March 29, pending acceptance; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Burnham of Kittery, the House voted to reconsider its action taken earlier today whereby bill an act to change the name of the Nasson Institute to that of Nasson College and to otherwise alter the charter of said corporation, H. P. 861, L. D. 299, was passed to be engrossed.

Thereupon that gentleman offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 861, L. D. 299, entitled: "An act to change the name of the Nasson Institute to that of Nasson College and to otherwise alter the charter of said corporation."

Amend said bill by striking out in section 4 thereof the words "Master of Science" and inserting in place thereof the words 'Bachelor of Science.'

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

On motion by Mr. Ellis of Rangeley,

Adjourned until ten o'clock tomorrow morning.